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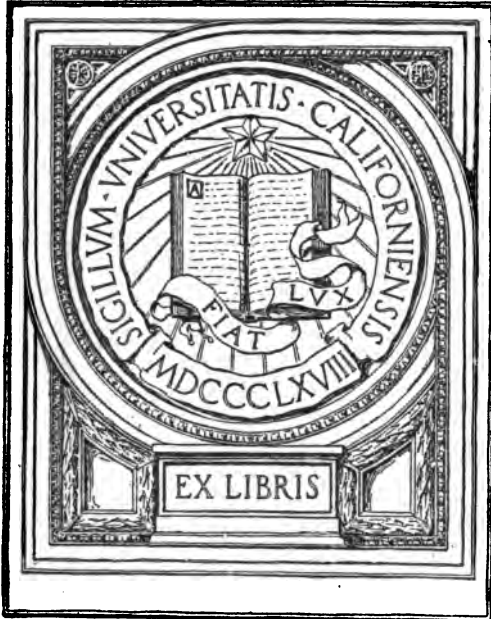


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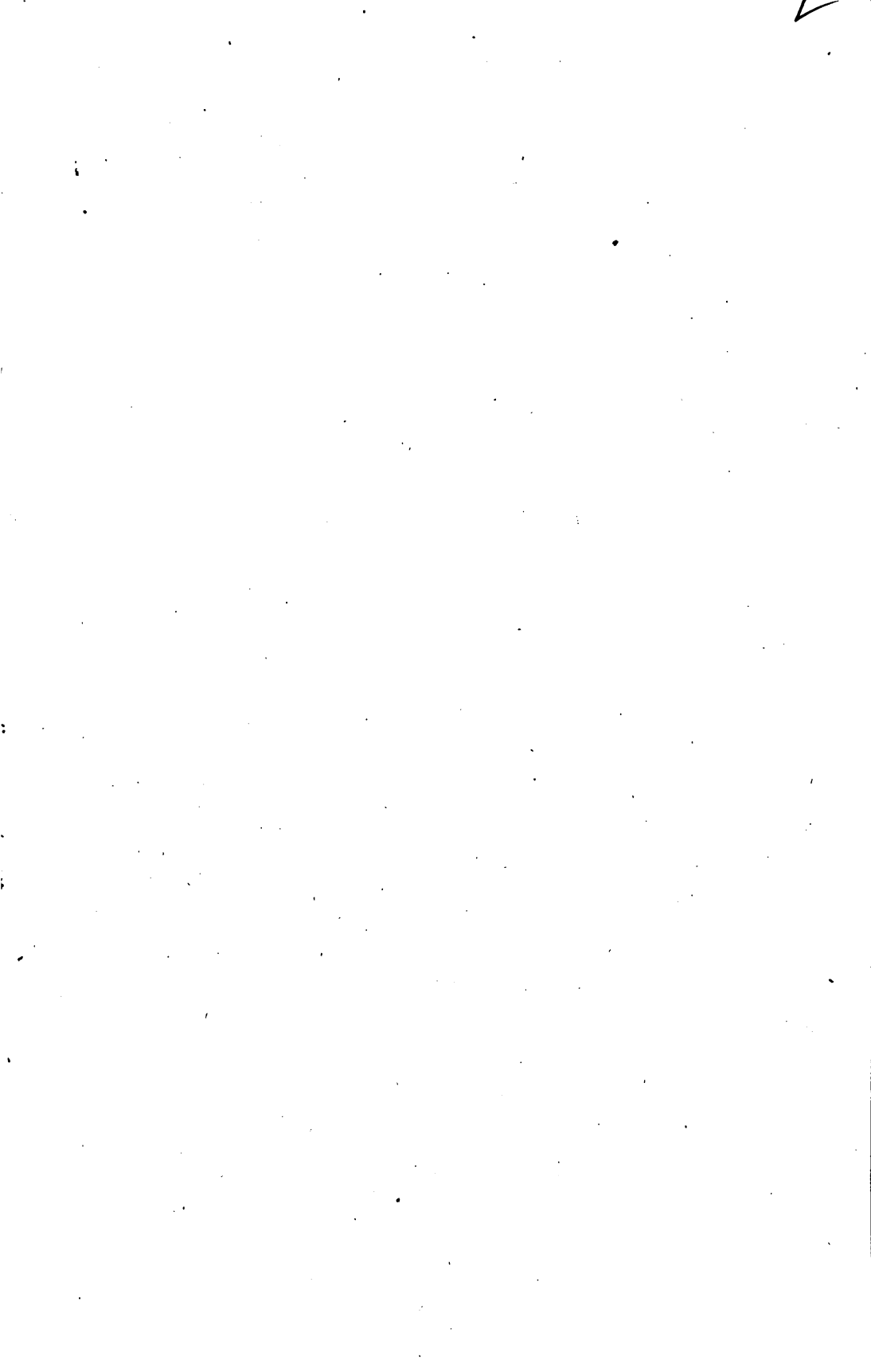
COMPILATION OF LAWS RELATING TO
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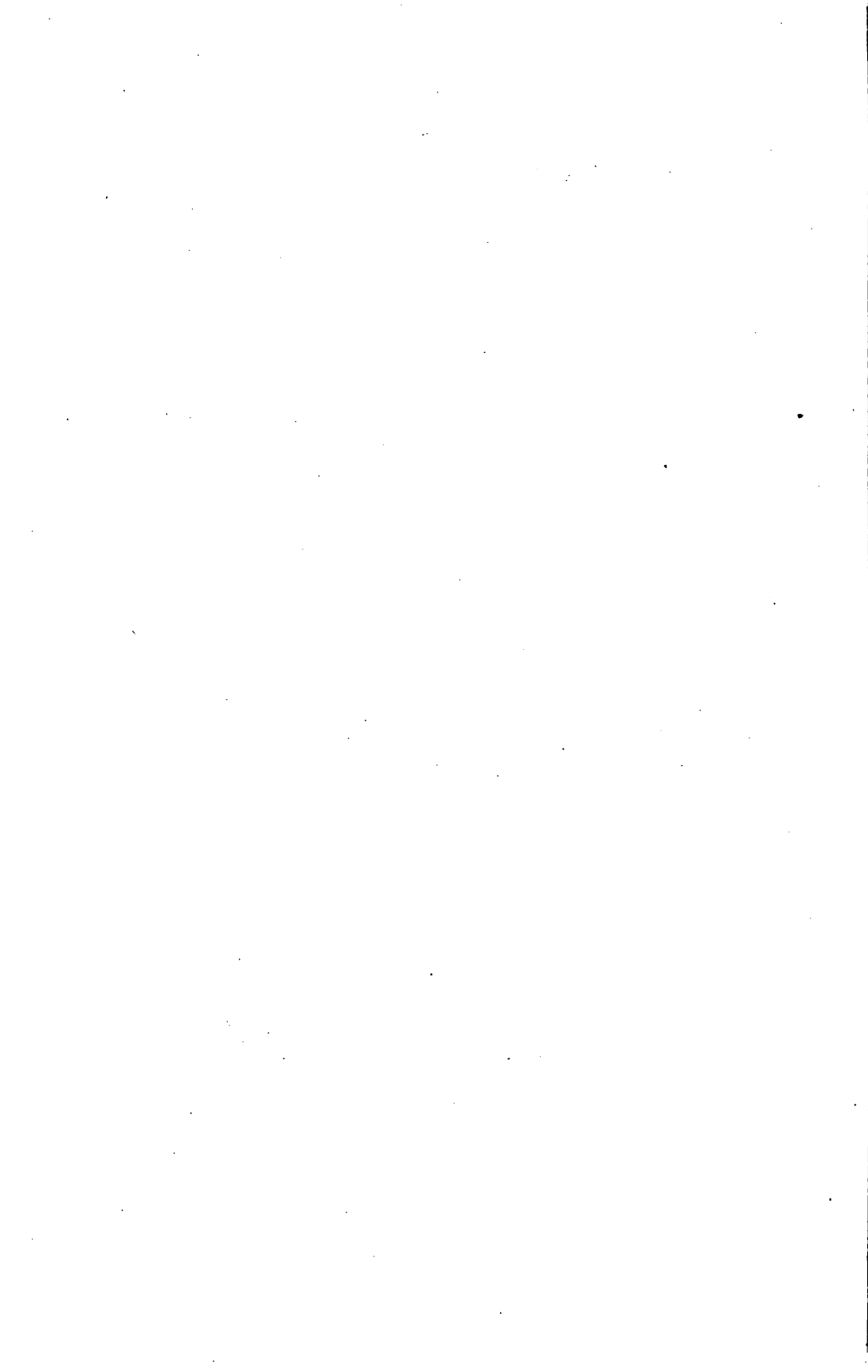
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RELATING TO THE

QUARTERMASTER CORPS

U.S. Laws, statutes, etc.

COMPILED UNDER THE DIRECTION OF THE
QUARTERMASTER GENERAL OF THE ARMY



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

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COMPILATION OF LAWS RELATING TO THE QUARTERMASTER CORPS.

ADVERTISING.

1. No advertisement, notice, or proposal for any executive department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such department; and no bill for any advertising or publication shall be paid unless there be presented with such bill a copy of such written authority.—*Sec. 3828, R. S.*

2. Hereafter all advertisements, notices, proposals for contracts and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise: *Provided*, That all advertising in newspapers since the tenth day of April, eighteen hundred and seventy-seven, shall be audited and paid at like rates; but the heads of the several departments may secure lower terms at special rates whenever the public interest requires it.—*Act of June 20, 1878 (20 Stat., 216).*

3. That all advertising required by existing laws to be done in the District of Columbia by any of the departments of the Government, shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspaper selected; nor shall any advertisement be paid for unless published in accordance with section thirty-eight hundred and twenty-eight of the Revised Statutes.—*Act of Jan. 21, 1881 (21 Stat., 317).*

APPROPRIATIONS.

4. No specific or indefinite appropriation made hereafter in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and Harbors," "Lighthouses," "Fortifications," "Public Buildings," and "Pay of the Navy and Marine Corps," last specifically named in and excepted from the operations of the provisions of the so-called "covering-in act," approved June twentieth, eighteen hundred and seventy-four, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes provision.—*Act of Aug. 24, 1912 (37 Stat., 487).*

5. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service.—*Annual appropriation acts.*

6. Hereafter the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided.—*Act of May 28, 1896 (29 Stat., 148).*

7. All moneys appropriated for the use of the War and Navy Departments shall be drawn from the Treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those departments, respectively, countersigned by the Second Comptroller of the Treasury and registered by the proper auditor.—*Sec. 3673, R. S.*

8. No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month.—*Sec. 3679, R. S., as amended by acts of Mar. 3, 1905 (33 Stat., 1257), and Feb. 27, 1906 (34 Stat., 49).*

9. *Sec. 5.* That from and after the first day of July, eighteen hundred and seventy-four, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided,* That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress.—*Act of June 20, 1874 (18 Stat., 110).*

10. No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by

law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President.—*Sec. 3681, R. S.*

11. No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation.—*Sec. 3682, R. S.*

12. Hereafter no money appropriated for the support of the Army shall be expended for post gardens or exchanges, but this proviso shall not be construed to prohibit the use by post exchanges of public buildings or public transportation when, in the opinion of the Quartermaster General, not required for other purposes.—*Act of July 16, 1892 (27 Stat., 178).*

13. The Secretary of War shall make an annual report to Congress containing a statement of the appropriations of the preceding fiscal year for the Department of War, showing the amount appropriated under each specific head of the appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such reports shall be accompanied by estimates of the probable demands which may remain on each appropriation.—*Sec. 228, R. S.*

14. For the equipments of bake houses to carry on post bakeries; for the necessary furniture, text books, paper, and equipments for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men of the Army.—*Annual appropriation acts.*

15. Hereafter no part of this or any other appropriation shall be expended for defraying expenses of officers, enlisted men, or horses in attending or taking part in horse shows or horse races; but nothing in this proviso shall be held to apply to the officers, enlisted men, and horses of any troop, battery, or company which shall, by order or permission of the Secretary of War, and within the limits of the United States, attend any horse show or any State, county, or municipal fair, celebration, or exhibition.—*Act of Apr. 27, 1914.*

APPLICATION OF BALANCES OF APPROPRIATIONS.

16. All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.—*Sec. 3690, R. S.*

17. All moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, shall remain available until the completion of the work for which they are, or may be, appropriated. And upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury.—*Act of June 23, 1874 (18 Stat., 275).*

18. All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years

from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the auditor shall examine the books of his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated.—*Sec. 3691, R. S.*

BADGES.

19. That when any enlisted man of the Army shall have distinguished himself in the service, the President may, at the recommendation of the commanding officer of the regiment or the chief of the corps to which such enlisted man belongs, grant him a certificate of merit.—*Act Mar. 29, 1892 (27 Stat., 12)*.

20. That the distinctive badges adopted by military societies of men "who served in the armies and navies of the United States during the Spanish-American War and the incident insurrection in the Philippines" may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right.—*Act Feb. 2, 1901 (31 Stat., 758)*.

21. That the distinctive badges adopted by military societies of men who served in the armies and navies of the United States in the War of the Revolution, the War of Eighteen hundred and twelve, the Mexican War, and the War of the Rebellion, respectively, may be worn upon all occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organizations in their own right.—*Act Sept. 25, 1890 (26 Stat., 681)*.

22. That the distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of nineteen hundred may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organization in their own right.—*Act Jan. 12, 1903 (32 Stat., 1229)*.

23. The distinctive badge adopted by the Army and Navy Union of the United States may be worn, in their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization.—*Joint Res. of Mar. 2, 1907 (34 Stat., 1423)*.

BONDS—OFFICERS.

24. All officers of the Quartermaster's, Subsistence, and Pay Departments, the chief medical purveyor and assistant medical purveyor, and all storekeepers shall, before entering upon the duties of their respective offices, give good and sufficient bond to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. The President may, at any time, increase the sums so prescribed. (But the Quartermaster General shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.)—*Sec. 1191, R. S.*

25. All disbursing officers of the Pay Department shall renew their bonds, or furnish additional security, at least once in four years, and as much oftener as the President may direct.—*Sec. 1192, R. S.*

26. The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be required by law, of all * * * paymasters in the Army, commissary general, and all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments.—*Sec. 3639, R. S.*

27. Whenever it becomes necessary for the head of any department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the department or office employing them may approve.—*Sec. 3614, R. S.*

EXAMINATION AND RENEWAL OF BONDS.

28. Hereafter every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary.—*Act of Mar. 2, 1895 (28 Stat., 807).*

29. Hereafter every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirements of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor.—*Ibid.*

30. The nonperformance of any requirement of this section on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States: *Provided further*, That the liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal.—*Ibid.*

LIABILITY OF SURETIES; RELEASE.

31. Hereafter, whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of department to at once notify all obligors upon the bond or bonds of said official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post office in the city of Washington, District of Columbia, addressed to said sureties, respectively, and directed to the respective post offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.—*Act of Aug. 8, 1888 (25 Stat., 387).*

32. If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.—*Ibid.*

SURETY COMPANIES AS SURETIES.

33. Every company, before transacting any business under this act, shall deposit with the Secretary of the Treasury of the United States a copy of its charter or articles of incorporation, and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities. If the said Secretary of the Treasury shall be satisfied that such company has authority under its charter to do the business provided for in this act, and that it has a paid-up capital of not less than two hundred and fifty thousand dollars, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this act.—*Act of Mar. 23, 1910 (36 Stat., 241).*

34. Every such company shall, in the months of January, April, July, and October of each year, file with the said Secretary of the Treasury a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by section three of this act. And the said Secretary of the Treasury shall have the power, and it shall be his duty, to revoke the authority of any such company to transact any new business under this act whenever in his judgment such company is not solvent or is conducting its business in violation of this act. He may institute inquiry at any time into the solvency of said company and may require that additional security be given at any time by any principal when he deems such company no longer sufficient security.—*Act of Mar. 23, 1910 (36 Stat., 241).*

35. Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than thirty-five per centum in excess of the rate of premium charged for a like bond during the calendar year nineteen hundred and eight: *Provided*, That hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States.—*Act of Aug. 5, 1909 (36 Stat., 125).*

36. Whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings: *Provided*, That such recognizance, stipulation, bond, or undertaking be approved by the head of department, court, judge, officer, board, or body executive, legislative, or judicial required to approve or accept the same. But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company.—*Sec. 1, act of Aug. 13, 1894 (28 Stat., 279).*

37. No such company shall do business under the provisions of this act beyond the limits of the State or Territory under whose laws it was incorporated and in which its principal office is located nor beyond the limits of the District of Columbia, when such company was incorporated under its laws or the laws of the United States and its principal office is located in said District, until it shall, by a written power of attorney, appoint some person residing within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, who shall be a citizen of the State,

Territory, or District of Columbia, wherein such court is held, as its agent, upon whom may be served all lawful process against such company, and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the clerk of the district court of the United States for such district at each place where a term of such court is or may be held, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under this act. If any such agent shall be removed, resign, or die, become insane, or otherwise incapable of acting, it shall be the duty of such company to appoint another agent in his place, as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from such district, service of process may be upon the clerk of the court wherein such suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof by mail to the company, and state such fact in his return. A judgment, decree, or order of the court entered or made after service of process as aforesaid shall be as valid and binding on such company as if served with process in said district.—*Sec. 2, act of Aug. 13, 1894 (28 Stat., 279).*

38. Any surety company doing business under the provisions of this act may be sued in respect thereof in any court of the United States which has now or hereafter may have jurisdiction of actions or suits upon such recognizance, stipulation, bond, or undertaking in the district in which such recognizance, stipulation, bond, or undertaking was made or guaranteed, or in the district in which the principal office of such company is located. And for the purposes of this act such recognizance, stipulation, bond, or undertaking shall be treated as made or guaranteed in the district in which the office is located, to which it is returnable, or in which it is filed, or in the district in which the principal in such recognizance, stipulation, bond, or undertaking resided when it was made or guaranteed.—*Sec. 5, ibid.*

39. If any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond, or undertaking made or guaranteed by it under the provisions of this act, from which no appeal, writ of error, or supersedeas has been taken for thirty days after the rendition of such judgment or decree, it shall forfeit all right to do business under this act.—*Sec. 6, ibid.*

40. Any company which shall execute or guarantee any recognizance, stipulation, bond, or undertaking under the provisions of this act shall be estopped, in any proceeding to enforce the liability which it shall have assumed to incur to deny its corporate power to execute or guarantee such instrument or assume such liability.—*Sec. 7, ibid.*

41. Any company doing business under the provisions of this act which shall fail to comply with any of its provisions shall forfeit to the United States for every such failure not less than five hundred dollars nor more than five thousand dollars, to be recovered by suit in the name of the United States in the same courts in which suit may be brought against such company under the provisions of this act, and such failure shall not affect the validity of any contract entered into by such company.—*Sec. 8, ibid.*

BONDS—CONTRACTORS'.

TO SECURE PAYMENT FOR LABOR AND MATERIAL IN THE CONSTRUCTION OF PUBLIC WORKS.

42. Hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be

required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the circuit court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract and not later: *And provided further*, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond shall be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor.—*Act of Feb. 24, 1905 (33 Stat., 812)*.

CLAIMS AGAINST THE UNITED STATES.

PROSECUTION OF CLAIMS.

43. Any head of a department or bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United State in any State, District, or Territory to issue a subpoena for a witness, being within the jurisdiction of such court, to appear at a time and place in the subpoena stated

before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.—*Sec. 184, R. S.*

44. Witnesses subpoenaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.—*Sec. 185, R. S.*

45. If any witness, after being duly served with such subpoena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpoena issued may proceed, upon proper process, to enforce obedience to the subpoena or to punish the disobedience in like manner as any court of the United States may do so in case of process of subpoena ad testificandum issued by such court.—*Sec. 186, R. S.*

46. Whenever any head of a department or bureau having made application pursuant to section one hundred and eighty-four, for a subpoena to procure the attendance of a witness to be examined, is of the opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney General, and of all facts necessary to enable the Attorney General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney General to provide for such service.—*Sec. 187, R. S.*

47. In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any department, or any bureau, officer, or agent of a department, or where the matter or thing on which the claim is based has been passed upon and decided by any department, bureau, or officer authorized to adjust it, the Attorney General shall transmit to such department, bureau, or officer a printed copy of the petition filed by the claimant, with a request that the department, bureau, or officer shall furnish to the Attorney General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the department, bureau, or officer. Such department, bureau, or officer shall, without delay and within a reasonable time, furnish the Attorney General with a full statement, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the department, bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any act of Congress or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the department, bureau, or officer the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a department or where such regulation has, in the opinion of the department, bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases is pending, the defense to which rests upon the same facts, circumstances, and proofs the department, bureau, or officer

shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases as if made out, certified, and transmitted in each case respectively.—*Sec. 188, R. S.*

48. No head of a department shall employ attorneys or counsel at the expense of the United States, but when in need of counsel or advice shall call upon the Department of Justice, the officers of which shall attend to the same.—*Sec. 189, R. S.*

49. It shall not be lawful for any person appointed after the first day of June, eighteen hundred and seventy-two, as an officer, clerk, or employee in any of the departments to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner nor by any means to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employee.—*Sec. 190, R. S.*

50. Any person prosecuting claims, either as attorney or on his own account, before any of the departments or bureaus of the United States shall be required to take the oath of allegiance and to support the Constitution of the United States, as required of persons in the civil service.—*Sec. 3478, R. S.*

51. The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.—*Sec. 3479, R. S.*

CLAIMS OF DISLOYALISTS.

52. It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto and distinctly in favor of its suppression; and no pardon heretofore granted or hereafter to be granted shall authorize the payment of such account, claim, or demand until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the departments where such claims were assigned or contracted to be assigned prior to the first day of April, eighteen hundred and sixty-one, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the first day of March, eighteen hundred and sixty-one.—*Sec. 3480, R. S.*

ASSIGNMENT OF CLAIMS, POWERS OF ATTORNEY.

53. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, on interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the office; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.—*Sec. 3477, R. S.*

DEPARTMENT OF JUSTICE TO PERFORM LEGAL SERVICES FOR OTHER DEPARTMENTS.

54. The officers of the Department of Justice, under the direction of the Attorney General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of departments, and the heads of bureaus and other officers in the departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three.—*Sec. 361, R. S.*

55. Whenever the head of a department or bureau gives the Attorney General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such department or bureau, the Attorney General shall provide for such service.—*Sec. 364, R. S.*

ALL CLAIMS TO BE SETTLED IN THE DEPARTMENT OF THE TREASURY.

56. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the Department of the Treasury.—*Sec. 236, R. S.*

ACCOUNTING OFFICERS OF THE TREASURY TO SETTLE CLAIMS OF OFFICERS AND ENLISTED MEN.

57. That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances.

First. When such loss or destruction was without fault or negligence on the part of the claimant.

Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances.

And the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage: *Provided*, That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That this act shall not apply to losses sustained in time of war or hostilities with Indians: *And provided further*, That the liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion shall decide to be reasonably useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service in the line of duty: *And provided further*, That all claims now existing shall be presented within two years and not after from the passage of this act;

and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction.—*Act of Mar. 3, 1885 (23 Stat., 350).*

NO REDUCTION THEREFROM FOR ATTORNEYS' FEES.

58. In the settlement of claims of officers, soldiers, sailors and marines, or their representatives, and all other claims for pay and allowances within the jurisdiction of the Auditor for the War Department or the Auditor for the Navy Department, presented and filed hereafter in which it is the present practice to make deductions of attorney's fees from the amount found due, no deductions of fees for attorneys or agents shall hereafter be made, but the draft, check, or warrant for the full amount found due shall be delivered to the payee in person or sent to his bona fide post-office address (residence or place of business).—*Act of June 6, 1900 (31 Stat., 637).*

HOW EXAMINED WHERE THERE HAS NOT BEEN AN ADMINISTRATIVE EXAMINATION.

59. *Sec. 14.* In the case of claims presented to an auditor which have not had an administrative examination, the auditor shall cause them to be examined by two of his subordinates independently of each other.—*Act of July 31, 1894 (28 Stat., 210).*

60. Any person accepting payment under a settlement by an auditor shall be thereby precluded from obtaining a revision of such settlement as to any items upon which payment is accepted; * * * any person whose accounts may have been settled * * * may, within a year, obtain a revision of the said account by the Comptroller of the Treasury, whose decision upon such revision shall be final and conclusive upon the executive branch of the Government.—*Sec. 8, ibid.*

ORIGINAL CONSTRUCTIONS BY AUDITORS TO BE REFERRED TO COMPTROLLER FOR APPROVAL, MODIFICATION, OR DISAPPROVAL.

61. All decisions by auditors making an original construction or modifying an existing construction of statutes shall be forthwith reported to the Comptroller of the Treasury, and items in any account affected by such decisions shall be suspended and payment thereof withheld until the Comptroller of the Treasury shall approve, disapprove, or modify such decisions and certify his actions to the auditor. All decisions made by the Comptroller of the Treasury under this act shall be forthwith transmitted to the auditor or auditors whose duties are affected thereby.—*Sec. 8, ibid.*

SETTLEMENT BY TREASURY DEPARTMENT OF CERTAIN CLAIMS OF STATES AND TERRITORIES.

62. The Secretary of the Treasury is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State or Territory, or to his duly authorized agents, the reasonable costs, charges, and expenses that have been incurred by him in aiding the United States to raise the Volunteer Army in the existing War with Spain, by subsisting, clothing, supplying, equipping, paying, and transporting men of his State or Territory who were afterwards accepted into the Volunteer Army of the United States: *Provided*, That the transportation paid for shall be only the transportation of such men from the place of their enrollment for service in the Volunteer Army of the United States to the place of their acceptance into the same by the United States mustering officer, and that the names of the men transported shall appear on the muster rolls of the Volunteer Army of the United States: *And provided further*, That such claims shall be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury: *And provided further*, That, in cases where the money to pay said costs, charges, and expenses has been, or may

hereafter be, borrowed by the governors or their respective States or Territories, and interest is paid, or may hereafter be paid, on the same, by the governors or their States or Territories, from the time it was or may be so borrowed to the time of its refundment by the United States, or thereafter, such interest shall not be refunded by the United States; nor shall any interest be paid the governors or their States or Territories on the amounts paid out by them, nor any other amount refunded or paid than is in this act expressly mentioned.—*Act of July 8, 1898 (30 Stat., 730).*

63. That the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing War with Spain." approved July eighth, eighteen hundred and ninety-eight, be so amended that the Secretary of the Treasury shall be, and is hereby, authorized to allow, in the settlement of the claims of the governors of States and Territories for reimbursement under the provisions of the said act, expenses incurred after as well as before July eighth, eighteen hundred and ninety-eight: *Provided*, That no reimbursement shall be made for service of members of the National Guard, or Organized Militia, or Naval Reserves of any State or Territory who were not accepted into the Volunteer Army of the United States, and no reimbursement shall be allowed for payments made to any person in excess of the pay and allowances authorized by the laws of the State or Territory for the grade in which he was accepted into the Volunteer Army of the United States. That the compensation allowed by the laws of the States and Territories to officers and men of the National Guard, or militia, or Naval Reserves of said States and Territories shall be allowed to the States and Territories, or the governors of the States and Territories, as pay for such officers and men of said National Guard, or militia, or Naval Reserves as appeared and remained at the place of muster, and who were afterwards received into the service of the United States for the period between the date of assembly at the rendezvous and the date they were mustered into the United States service.—*Act of March 3, 1899 (30 Stat., 1356).*

RATES OF PAY.

64. In all States and Territories where no laws exist for the payment of the officers and men of the National Guard, or militia, or Naval Reserves there shall be allowed to said States and Territories, or the governors of said States and Territories, for the officers the same pay as allowed officers in the Regular Army holding the same rank, and for the men, one dollar per day, for such officers and men as appeared and remained at the place of muster and were afterwards received into the service of the United States for the period between the date of assembly at the rendezvous and the date they were mustered into the service of the United States: *Provided further*, That for all officers and men of the National Guard, or militia, or Naval Reserves of the States and Territories, who appeared at the rendezvous for muster, and were rejected by the medical examiner or mustering officer, pay shall be allowed for the same to the States and Territories or the governors of States and Territories, at the several rates as fixed as aforesaid from the date of assembly to the date of their rejection: *Provided further*, That where States and Territories have not paid amounts to the officers and men or any part thereof, the pay allowed them by this act, the same shall be paid by the States and Territories direct to the officers and men, and no money allowed by this act for officers and men shall be covered into the treasury of the State or Territory.—*Ibid.*

TRANSPORTATION TO STATE RENDEZVOUS.

65. Under the appropriation made by said act the Secretary of the Treasury is hereby authorized to reimburse the governor of any State or Territory for reasonable expenses incurred by him for the actual transportation of the members of Organ-

ized Militia, or National Guard, or Naval Reserves of his State from the place of company, battalion, or regimental rendezvous to the State rendezvous, or place designated for examination and acceptance of the members of such organization into the Volunteer Army of the United States, and the actual transportation from such State rendezvous, or such place designated for examination and acceptance, to their respective company, battalion, or regimental rendezvous of such men as were rejected by the medical examiner or mustering officer: *Provided*, That no reimbursement shall be made for the transportation of any man who did not present himself for enrollment in the Volunteer Army of the United States as provided by law: *And provided further*, That the provisions of this section shall apply also to payments made by the governor of any State or Territory for the actual transportation of individual volunteers who presented themselves for enrollment in the Volunteer Army of the United States and who were rejected by the medical examiner or mustering officer.—*Sec. 2, ibid.*

SUBSISTENCE.

66. Nothing in said act of July eighth, eighteen hundred and ninety-eight, shall be so construed as to prohibit the reimbursement of the governor of any State or Territory for reasonable expenses incurred for the subsistence of the members of any organization of the Organized Militia or National Guard, or Naval Reserves of his State or Territory after having been called out by the governor on or after April twenty-fifth, eighteen hundred and ninety-eight: *Provided*, That such organizations shall afterwards have been accepted into the Volunteer Army of the United States.—*Sec. 3, ibid.*

UNSETTLED ACCOUNTS, EXPENSES, ETC.

67. The expenses incurred by the governors of States in carrying out the provisions of this act shall be paid to them, notwithstanding any unsettled accounts, claims, or indebtedness of the United States against their States, and without prejudice to such unsettled accounts: *Provided*, That when such unsettled account is caused by a default in payment of principal or interest on any bonds or stock issued or guaranteed by any State, the ownership of which is vested in the United States, the Secretary of the Treasury be, and he is hereby, authorized and directed to institute any act or proceeding which he may consider advisable against such State or its representatives to secure the payment of the principal and interest of said bonds or stocks: *And provided further*, That where the governor of any State or Territory, or any officer of the Army detailed as mustering officer of volunteers, or any commander of a company or companies, or troop or troops, or battery, or battalion, or regiment, or brigade, has purchased or authorized the purchase of supplies or equipments, or incurred any necessary expense for the comfort of the men in camp or rendezvous, and said supplies were used and equipments were subsequently taken into the United States service by said volunteers, and no receipts given to such military officer, the certificate to that effect of the governor of the State or Territory to which the volunteers belonged shall be held sufficient to authorize the settlement and payment of such account on investigation, if the Treasury Department shall be satisfied of the fact of such purchase of such equipment and supplies, or that such necessary expenses were incurred and such use of such supplies, or such taking of such equipments into the United States service, and the voucher or vouchers of said officers be produced by said governor.—*Sec. 4, ibid.*

TRANSPORTATION OF TROOPS, ETC.

68. That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the just and proper account or claim of any railroad, transportation company, or person for transportation of men or troops from place of enrollment to point of rendezvous, furnished at the

request of the Quartermaster General of the Army or his agents, or at the request of any United States mustering officer or other officer authorized by the Secretary of War to enroll, muster, or mobilize volunteers for the War with Spain; and also to pay such just and proper accounts as may be presented for transportation back from point of rendezvous to place of enrollment of men who volunteered and were rejected by the medical examiner or mustering officer: *Provided*, That the amount allowed and paid for such transportation shall not be in excess of the rates charged for transporting troops of the United States under like circumstances. All claims under the provision of this act must be filed in the office of the Auditor for the War Department, and must be supported by proper vouchers or other conclusive evidence of interest.—*Sec. 5, ibid.*

LIMITATION ON CLAIMS.

69. All claims for reimbursement under this act or the act of July eighth, eighteen hundred and ninety-eight, shall be presented in itemized form to the Treasury Department on or before January first, nineteen hundred and two, or be forever barred.—*Sec. 6, ibid.*

NOTES.—1. Upon the question of compromise of claims against the United States, where adjustment is before executive officials, see cases of *Sweeney v. U. S.*, 17 Wall., 75, 77; *Mason v. U. S.*, *id.*, 67.

2. The filing of claims under authority of several of the acts of Congress are now barred by time limitation. Under sections 300A and 300B, Revised Statutes, the Quartermaster General and Commissary General were authorized to pass upon the merits of certain claims of loyal citizens for property furnished to the Army during the War of the Rebellion. This jurisdiction was withdrawn by the acts of March 3, 1883 (22 Stat., 457 and 485). Sections 3482 to 3487, Revised Statutes, provided for the reimbursement of officers and men for horses and other private property lost in the military service. The scope was changed by several subsequent acts, and finally became inoperative as to general claims on August 13, 1889, and as to horses lost during the rebellion on August 13, 1891. The time for filing claims under the act of June 6, 1900, with reference to private property taken and used in the military service within the limits of the United States during the Spanish War, was limited to January 1, 1901. By section 3489, Revised Statutes, it is provided that no claims against the United States for collecting, drilling, or organizing volunteers for the War of the Rebellion shall be paid unless presented before June 30, 1874, nor for horses lost prior to January 1, 1872, unless presented before June 30, 1874. Under the act of February 27, 1902, the Quartermaster General was authorized to investigate claims for horses, etc., taken from Confederates in violation of the terms of surrender, but the limitation of time for filing such claims as finally extended by the joint resolution of June 25, 1910 (36 Stat., 883), was June 25, 1912.

SET-OFF.

70. When any final judgment recovered against the United States or other claim duly allowed by legal authority, shall be presented to the Secretary of the Treasury for payment, and the plaintiff or claimant therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment or claim equal to the debt thus due to the United States; and if such plaintiff or claimant assents to such set-off, and discharges his judgment or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States. But if such plaintiff, or claimant, denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment, or claim, as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment. And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch. And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amounts so withheld, as before provided, the balance shall then be paid over to such plaintiff by such Secretary, with six per cent interest thereon for the time it has been withheld from the plaintiff.—*Act of Mar. 3, 1875 (18 Stat., 481).*

PRIORITY OF UNITED STATES.

71. Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority hereby established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed.—*Sec. 3466, R. S.*

LIABILITY OF EXECUTORS. ETC.

72. Every executor, administrator, or assignee, or other person, who pays any debt due by the person or estate from whom or for which he acts, before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate for the debts so due to the United States, or for so much thereof as may remain due and unpaid.—*Sec. 3467, R. S.*

PRIORITY OF SURETIES.

73. Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of the executor, administrator, or assignee are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States, and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon.—*Sec. 3468, R. S.*

SECRETARY OF THE TREASURY TO REPORT ALLOWANCES TO CONGRESS.

74. The Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the presiding officer of the Senate, who shall lay the same before their respective Houses for consideration.—*Act of July 7, 1884 (23 Stat., 254).*

75. Hereafter the Secretary of War is authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of one thousand dollars, occasioned by heavy gun fire and target practice of troops, and for damages to vessels, wharves, and other private property, found to be due to maneuvers or other military operations for which the Government is responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor.—*Act of Aug. 24, 1912 (37 Stat., 586).*

JURISDICTION OF DISTRICT COURTS.

76. *Sec. 24, par. 20.* Concurrent with the Court of Claims, of all claims not exceeding ten thousand dollars founded upon the Constitution of the United States or any law of Congress, or upon any regulation of any executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the

party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided, however,* That nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims which have been rejected or reported on adversely prior to the third day of March, eighteen hundred and eighty-seven, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the twenty-seventh day of June, eighteen hundred and ninety-eight, shall abate or be affected by this provision: *And provided further,* That no suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made: *Provided,* That the claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.—*Act of Mar. 3, 1911 (36 Stat., 1093).*

NOTE.—Like jurisdiction is conferred upon the Supreme Court of the District of Columbia (sec. 61 of Code for D. C., act of Mar. 3, 1901), the District Court of the United States for Porto Rico (act of Apr. 12, 1900, 31 Stat., 84), District Court for the District of Alaska (act of Mar. 3, 1909, 35 Stat., 839), and the District Court of Hawaii (act of Apr. 30, 1900, 31 Stat., 158). There is no Federal court in the Philippine Islands.

APPELLATE JURISDICTION OF CIRCUIT COURTS OF APPEAL.

77. *Sec. 128.* The circuit courts of appeals shall exercise appellate jurisdiction to review by appeal or writ of error final decisions in the district courts, including the United States district court for Hawaii, in all cases other than those in which appeals and writs of error may be taken direct to the Supreme Court, as provided in section two hundred and thirty-eight, unless otherwise provided by law; and, except as provided in sections two hundred and thirty-nine and two hundred and forty, the judgments and decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy being aliens and citizens of the United States, or citizens of different States: * * * —*Act of Mar. 3, 1911 (36 Stat., 1133).*

COURT OF CLAIMS, JURISDICTION OF AND MATTERS RELATING TO.

78. *Sec. 145.* The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided,*

however, That nothing in this section shall be construed as giving to the said court jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims which, prior to March third, eighteen hundred and eighty-seven, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the proper accounting officer of the Treasury fails to act finally thereon within six months after the account is received in said office.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.—*Act of Mar. 3, 1911 (36 Stat., 1136.)*

79. Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced.—*Sec. 146, ibid.*

80. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.—*Sec. 147, ibid.*

81. When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, documents and proofs pertaining thereto, to the Court of Claims and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action: *Provided, however*, That if it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, in the latter case giving to either party such further opportunity for hearing as in its judgment justice shall require, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of any auditor, or of the Comptroller of the Treasury, direct any claim or matter, of which, by reason of the subject matter or character, the said court might

under existing laws, take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court for trial and adjudication.—*Sec. 148, ibid.*

82. All cases transmitted by the head of any department, or upon the certificate of any auditor, or of the Comptroller of the Treasury, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.—*Sec. 149, ibid.*

83. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.—*Sec. 150, ibid.*

84. Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity against the United States, and the amount, if any, legally or equitably due from the United States to the claimant: *Provided, however,* That if it shall appear to the satisfaction of the court upon the facts established that under existing laws or the provisions of this chapter, the subject matter of the bill is such that it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and it shall report its proceedings therein to the House of Congress by which the same was referred to said court.—*Sec. 151, ibid.*

85. If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.—*Sec. 152, ibid.*

86. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December first, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.—*Sec. 153, ibid.*

87. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto acting or professing to act, mediately or immediately under the authority of the United States.—*Sec. 154, ibid.*

88. Aliens who are citizens or subjects of any Government which accords to citizens of the United States the right to prosecute claims against such Government in its courts shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject matter and character, might take jurisdiction.—*Sec. 155, ibid.*

89. Every claim against the United States cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrues: *Provided*, That the claims of married women, first accrued during marriage; of persons under the age of twenty-one years, first accrued during minority; and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.—*Sec. 156, ibid.*

90. The claimant shall in all cases fully set forth in his petition the claim, the action thereon in Congress or by any of the departments, if such action has been had, what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim or of any part thereof or interest therein has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States after allowing all just credits and offsets; that the claimant and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. The said petition shall be verified by the affidavit of the claimant, his agent, or attorney.—*Sec. 159, ibid.*

91. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.—*Sec. 160, ibid.*

92. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to forces or government of the late Confederate States during the Civil War, the claimant asserting the loyalty of any such person to the United States during such Civil War shall be required to prove affirmatively that such person did, during said Civil War, consistently adhere to the United States and did give no aid or comfort to persons engaged in said Confederate service in said Civil War.—*Sec. 161, ibid.*

93. The Court of Claims shall have jurisdiction to hear and determine the claims of those whose property was taken subsequent to June the first, eighteen hundred and sixty-five, under the provisions of the act of Congress approved March twelfth, eighteen hundred and sixty-three, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," and acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to

adjudge said claims, any statutes of limitations to the contrary notwithstanding.—*Sec. 162, ibid.*

94. The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress when deemed necessary in the prosecution of its business; but the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.—*Sec. 164, ibid.*

95. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government and that the claimant be forever barred from prosecuting the same.—*Sec. 172, ibid.*

96. No claim shall be allowed by the accounting officers under the provisions of the act of Congress approved June sixteenth, eighteen hundred and seventy-four, or by the Court of Claims, or by Congress to any person where such claimant or those under whom he claims shall willfully, knowingly, and with intent to defraud the United States have claimed more than was justly due in respect of such claim or presented any false evidence to Congress or to any department or court in support thereof.—*Sec. 173, ibid.*

97. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.—*Sec. 174, ibid.*

98. The Court of Claims, at any time while any claim is pending before it or on appeal from it, or within two years next after the final disposition of such claim, may, on motion on behalf of the United States, grant a new trial and stay the payment of any judgment therein upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment the same shall be payable and paid as now provided by law.—*Sec. 175, ibid.*

99. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.—*Sec. 177, ibid.*

100. The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law, as provided by law, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.—*Sec. 178, ibid.*

101. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.—*Sec. 179, ibid.*

102. Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is a guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the per-

son for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time such claim and the claim on the original indebtedness shall be forever barred. The provisions of section one hundred and sixty-six shall apply to cases under this section.—*Sec. 180, ibid.*

103. The plaintiff or the United States in any suit brought under the provisions of the section last preceding shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three; and such right shall be exercised only within the time and in the manner therein prescribed.—*Sec. 181, ibid.*

104. In any case brought in the Court of Claims under any act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three; and such right shall be exercised only within the time and in the manner therein prescribed.—*Sec. 182, ibid.*

105. In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late Civil War the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.—*Sec. 184, ibid.*

106. The Attorney General or his assistants under his direction shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counter claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses in like manner as he is required to defend the United States in said court.—*Sec. 185, ibid.*

OFFENSES AGAINST THE OPERATIONS OF THE GOVERNMENT.

107. *Sec. 28.* Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both.—*Act of Mar. 4, 1909 (35 Stat., 1094).*

108. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years.—*Sec. 29, ibid.*

109. Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.—*Sec. 30, ibid.*

110. Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.—*Sec. 31, ibid.*

111. Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.—*Sec. 32, ibid.*

112. Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock, or any part thereof, or shall receive, or endeavor to receive, the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years.—*Sec. 33, ibid.*

113. Whoever shall knowingly or fraudulently demand, or endeavor to obtain, any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined not more than five thousand dollars and imprisoned not more than ten years.—*Sec. 34, ibid.*

114. Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States or any department, or officer thereof, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, shall make or use, or cause to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; or whoever, having charge, possession, custody, or control of any money or other public property, used or to be used in the military or naval service, with intent to defraud the United States, or willfully to conceal such money or other property, shall deliver, or cause to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate, or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used, or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person under a clothing allotment or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be

fined not more than five hundred dollars, and imprisoned not more than two years.—*Sec. 35, ibid.*

115. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both.—*Sec. 37, ibid.*

116. Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.—*Sec. 39, ibid.*

117. No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than two thousand dollars and imprisoned not more than two years.—*Sec. 41, ibid.*

OFFENSES RELATING TO OFFICIAL DUTIES.

118. *Sec. 113.* Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.—*Sec. 113, act of Mar. 4, 1909 (35 Stat., 1109).*

119. Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee

of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.—*Sec. 117, ibid.*

DUPLICATE CERTIFICATE OF DISCHARGE NOT ACCEPTED AS A VOUCHER IN SETTLEMENT OF CLAIMS.

120. Whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.—*Act of July 1, 1902 (32 Stat., 629).*

NOTES.—1. Upon the question of compromise of claims against the United States, where adjustment is before executive officials, see cases of *Sweeney v. U. S.*, 17 Wall., 75, 77; *Mason v. U. S.*, *id.*, 67.

2. The filing of claims under authority of several of the acts of Congress is now barred by time limitation. Under sections 300A and 300B, Revised Statutes, the Quartermaster General and Commissary General were authorized to pass upon the merits of certain claims of loyal citizens for property furnished to the Army during the War of the Rebellion. This jurisdiction was withdrawn by the acts of March 3, 1883 (22 Stat., 457 and 485). Sections 3482 to 3487, Revised Statutes, provided for the reimbursement of officers and men for horses and other private property lost in the military service. The scope was changed by several subsequent acts, and finally became inoperative as to general claims on August 13, 1889, and as to horses lost during the rebellion on August 13, 1891. The time for filing claims under the act of June 6, 1900, with reference to private property taken and used in the military service within the limits of the United States during the Spanish War was limited to January 1, 1901. By section 3489, Revised Statutes, it is provided that no claims against the United States for collecting, drilling, or organizing volunteers for the War of the Rebellion shall be paid unless presented before June 30, 1874, nor for horses lost prior to January 1, 1872, unless presented before June 30, 1874. Under the act of February 27, 1902, the Quartermaster General was authorized to investigate claims for horses, etc., taken from Confederates in violation of the terms of surrender, but the limitation of time for filing such claims as finally extended by the joint resolution of June 25, 1910 (36 Stat., 883) was June 25, 1912.

CORRESPONDENCE—OFFICIAL.

121. It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an indorsement showing also the name of the department, and, if from a bureau or office, the names of the department and bureau or office, as the case may be, whence transmitted.—*Sec. 5, act of Mar. 13, 1877 (19 Stat., 335).*

122. For the purpose of carrying this act into effect, it shall be the duty of each of the executive departments of the United States to provide for itself and its subordinate offices the necessary envelopes; and in addition to the indorsement designating the department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.—*Sec. 6, ibid.*

123. Any department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto.—*Act of July 5, 1884 (23 Stat., 158).*

124. Any letter or packet to be registered by either of the executive departments or bureaus thereof, or by the Agricultural Department or by the Public Printer, may be registered without the payment of any registry fee; and any part-paid letter or packet addressed to either of said departments or bureaus may be delivered free; but where there is good reason to believe the omission to prepay the full postage thereon was intentional such letter or packet shall be returned to the sender.—*Sec. 3, ibid.*

CONTRACTS AND PURCHASES.

BY ADVERTISEMENT AND IN OPEN MARKET.

125. Hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the Army service shall only be made after advertisement and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered; but every open-market emergency purchase made in the manner common among business men which exceeds in amount two hundred dollars shall be reported for approval to the Secretary of War under such regulations as he may prescribe.—*Act of Mar. 2, 1901 (31 Stat., 905). Act of Apr. 23, 1904 (33 Stat., 268).* (Amended by Par. 126).

126. Hereafter the purchase of supplies and the procurement of services for all branches of the Army service may be made in open market, in the manner common among business men, when the aggregate of the amount required does not exceed five hundred dollars; but every such purchase exceeding one hundred dollars shall be promptly reported to the Secretary of War for approval under such regulations as he may prescribe.—*Act of June 12, 1906 (34 Stat., 258).*

127. All purchases and contracts for supplies or services for the military and naval service shall be made by or under the direction of the chief officers of the Departments of War and of the Navy, respectively. (And all agents or contractors for supplies or services aforesaid shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject, nevertheless, to the inspection and revision of the officers of the Treasury in the manner before prescribed.)—*Sec. 3714, R. S.*

128. All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertisement a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged between individuals.—*Sec. 3709, R. S.*

129. That the Secretary of War be, and he is hereby, authorized and directed, when making purchases for the military posts or service on or near Indian reservations, to purchase in open market, from the Indians as far as practicable, at fair and reasonable rates, not to exceed the market prices in the localities, any cattle, grain, hay, fuel, or other produce or merchandise they may have for sale and which may be required for the military service—*Act of Jan. 19, 1891 (26 Stat., 721).*

130. Hereafter exceptional articles of subsistence stores for officers and enlisted men, which are to be paid for by them, regardless of condition upon arrival at posts, may, under regulations to be prescribed by the Secretary of War, be obtained by open purchase without advertising.—*Act of Feb. 12, 1895 (28 Stat., 658).*

131. That hereafter all purchases of regular and miscellaneous supplies for the Army furnished by the Quartermaster's Department and by the Commissary Department for immediate use shall be made by the officers of such Department, under direction of the Secretary of War, at the places nearest the points where they are needed, the conditions of cost and quality being equal: *Provided also*, That all purchases of said supplies, except in cases of emergency, which must be at once reported to the Secretary of War for his approval, shall be made by contract after public notice of not less than ten days for small amounts for immediate use, and of not less than from thirty to sixty days whenever, in the opinion of the Secretary of War, the circumstances of the case and conditions of the service shall warrant such extension of time. The award in every case shall be made to the lowest responsible bidder for the best and most suitable article, the right being reserved to reject any and all bids.—*Act of July 5, 1884 (23 Stat., 109).* (*See Supplement Revised Statutes, vol. 1, 2d edition, 456.*)

SUPPLIES FOR THE ARMY.

132. The Secretary of War shall from time to time define and prescribe the kinds as well as the amount of supplies to be purchased by the Subsistence and Quartermaster Departments of the Army, and the duties and powers thereof respecting such purchases; and shall prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental headquarters, and to such other officers as may by virtue of such regulations be intrusted with the same; and shall fix and make reasonable allowances for the store-rent and storage necessary for the safe-keeping of all military stores and supplies.—*Sec. 219, R. S.*

133. The Quartermaster's Department of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal, and that such preference shall be given to articles of American production and manufacture produced on the Pacific coast, to the extent of the consumption required by the public service there. In advertising for Army supplies the Quartermaster's Department shall require all articles which are to be used in the States and Territories of the Pacific coast to be delivered and inspected at points designated in those States and Territories; and the advertisements for such supplies shall be published in newspapers of the cities of San Francisco, California, and Portland, in Oregon.—*Sec. 3716, R. S.*

134. Contracts for subsistence supplies for the Army, made by the Commissary General, on public notice, shall provide for a complete delivery of such articles, on inspection, at such places as shall be stipulated.—*Sec. 3715, R. S.*

135. No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law, or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year.—*Act of June 12, 1906 (34 Stat., 255).*

136. In every such contract or agreement to be made or entered into or accepted by or on behalf of the United States, there shall be inserted an express condition that

no Member of (or Delegate to) Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.—*Sec. 3741, R. S.*

137. No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.—*Sec. 3737, R. S.*

138. No act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such act shall in specific terms declare an appropriation to be made or that a contract may be executed.—*Act of June 30, 1906 (34 Stat., 764).*

SUPPLIES FOR EXECUTIVE DEPARTMENTS.

139. The advertisement for such proposals shall be made by all the executive departments, including the * * * superintendent of the State, War, and Navy Building * * *. Such proposals shall be opened in the usual way and schedules thereof duly prepared and, together with the statement of the proposed action of each department and Government establishment thereon, shall be submitted to a board, consisting of one of the Assistant Secretaries of the Treasury and Interior Departments and one of the Assistant Postmasters General, who shall be designated by the heads of said departments and the Postmaster General respectively, at a meeting to be called by the official of the Treasury Department, who shall be chairman thereof, and said board shall carefully examine and compare all the proposals so submitted and recommend the acceptance or rejection of any or all of said proposals. And if any or all of such proposals shall be rejected, advertisements for proposals shall again be invited and proceeded with in the same manner.—*Sec. 3709 as amended by Act of Jan. 27, 1894 (28 Stat., 33).*

140. The act entitled "An act to amend section thirty-seven hundred and nine of the Revised Statutes relating to contracts for supplies in the departments at Washington," approved January twenty-seventh, eighteen hundred and ninety-four, be, and the same is hereby, so amended that the provisions thereof shall apply only to advertisements for proposals for fuel, ice, stationery, and other miscellaneous supplies to be purchased at Washington for the use of the executive departments and other Government establishments therein named; and no advertisements made or contracts awarded or to be awarded thereon since January twenty-seventh, eighteen hundred and ninety-four, in accordance with the laws in force prior to said date, shall be declared to be illegal or invalid for noncompliance with said law of January twenty-seventh, eighteen hundred and ninety-four.—*Act of Apr. 21, 1894 (28 Stat., 62).*

141. Hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other Government establishments in Washington, when the public exigencies do not require the immediate delivery of the articles, shall be advertised and contracted for by the Secretary of the Treasury, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section thirty-seven hundred and nine of the Revised Statutes as amended, composed of officers, one from each such department, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based

upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any article that, in his judgment, can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or Government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department: *And provided further*, That telephone service, electric light, and power service purchased or contracted for from companies or individuals shall be so obtained by him.—*Act of June 17, 1910 (36 Stat., 531)*.

142. It shall not be lawful for any of the executive departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made.—*Sec. 3735, R. S.*

OFFICERS NOT TO BE INTERESTED IN PURCHASE OR SALE.

143. No officer belonging to the Subsistence Department or doing the duty of a subsistence officer shall be concerned, directly or indirectly, in the purchase or sale of any article entering into the composition of the ration allowed to troops in the service of the United States, or of any article designated by the inspectors general of the Army and furnished for sale to officers and enlisted men at cost prices, or of tobacco furnished for sale to enlisted men, except on account of the United States, nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office other than that which may be allowed by law.—*Sec. 1150, R. S.*

144. It shall be the duty of the officers of the Subsistence Department, under the direction of the Secretary of War, to purchase and issue to the Army such supplies as enter into the composition of the ration.—*Sec. 1141, R. S.*

145. It shall be the duty of the officers of the Quartermaster's Department under the direction of the Secretary of War, to purchase and distribute to the Army all military stores and supplies requisite for its use which other corps are not directed by law to provide; to furnish means of transportation for the Army, its military stores and supplies, and to provide for and pay all incidental expenses of the military service which other corps are not directed to provide for and pay.—*Sec. 1133, R. S.*

146. No officer belonging to the Quartermaster's Department, or doing the duty of a quartermaster or assistant quartermaster shall be concerned, directly or indirectly, in the purchase or sale of any article intended for or appertaining to said department of service, except on account of the United States; nor shall any such officer take or

apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office other than that which may be allowed by law.—*Sec. 1138, R. S.*

OPENING OF BIDS—BIDDERS' BONDS.

147. The Secretary of War is hereby authorized to prescribe rules and regulations to be observed in the preparation and submission and opening of bids for contracts under the War Department.—*Act of Apr. 10, 1878 (20 Stat., 36).*

148. He may require every bid to be accompanied by a written guaranty, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of War or the officer authorized to make a contract in the premises, give bond with good and sufficient sureties to furnish the supplies proposed or to perform the service required. If after the acceptance of a bid and a notification thereof to the bidder he fails within the time prescribed by the Secretary of War or other duly authorized officer to enter into a contract and furnish a bond with good and sufficient security for the proper fulfillment of its terms, the Secretary or other authorized officer shall proceed to contract with some other person to furnish the supplies or perform the service required, and shall forthwith cause the difference between the amount specified by the bidder in default in the proposal and the amount for which he may have contracted with another party to furnish the supplies or perform the service for the whole period of the proposal to be charged up against the bidder and his guarantor or guarantors, and the sum may be immediately recovered by the United States for the use of the War Department in an action of debt against either or all of such persons.—*Act of Mar. 3, 1883 (22 Stat., 488).*

149. Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening of bids and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.—*Sec. 3710, R. S.*

PREPARATION AND EXECUTION OF CONTRACTS.

150. It shall be the duty of the Secretary of War * * * to cause and require every contract made * * * on behalf of the Government, or by officers under them appointed to make such contracts, to be reduced to writing and signed by the contracting parties with their names at the end thereof, a copy of which shall be filed by the officer making and signing the contract in the Returns Office of the Department of the Interior, as soon after the contract is made possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal and marked by numbers in regular order, according to the number of papers composing the whole return.—*Sec. 3744, R. S.*

151. It shall be the further duty of the officer before making his return according to the preceding section to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ———; that I made the same fairly without any benefit or advantage to myself or allowing any such benefit or advantage corruptly to the said ——— or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided."—*Sec. 3745, R. S.*

152. Every officer who makes any contract, and fails or neglects to make return of the same, according to the provisions of the two preceding sections, unless from unavoidable accident or causes not within his control, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not more than six months.—*Sec. 3746, R. S.*

153. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to furnish every officer appointed by them with authority to make contracts on behalf of the Government with a printed letter of instructions, setting forth the duties of such officer under the two preceding sections, and also to furnish therewith forms, printed in blank, of contracts to be made and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.—*Sec. 3747, R. S.*

154. All contracts to be made, by virtue of any law and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited promptly in the offices of the Auditors of the Treasury, according to the nature of the contracts: *Provided*, That this section shall not apply to the existing laws in regard to the contingent funds of Congress.—*Sec. 3743, R. S., as amended by Act of July 31, 1894 (28 Stat., 210).*

PURCHASE AND INSPECTION OF FUEL.

155. It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such department or branch of the service.

The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.—*Sec. 3711, R. S., as amended by Act of Mar. 15, 1898 (30 Stat., 316).*

156. The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section.—*Sec. 3712, R. S.*

157. It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer.—*Sec. 3713, R. S.*

158. Sec. 12. That no person shall sell or deliver any coal within the limits of the District of Columbia unless there shall be delivered to the person in charge of the wagon or conveyance used in delivering such coal a certificate duly signed by the person selling the same and showing the weight of the coal purporting to be delivered and weight of the wagon or conveyance used in such delivery, the total weight of coal and conveyance, and the name of the purchaser.—*Act of Mar. 2, 1895 (28 Stat., 813).*

159. That no person in charge of the wagon or conveyance used in delivering coal, to whom the certificate mentioned in section six of this act has been delivered, shall neglect or refuse to exhibit such certificate to the sealer or the assistant sealer of weights and measures, or to any person designated by them, or to the purchaser or intended purchaser of the coal being delivered; and when said officers, person so designated, or such purchaser or intended purchaser shall demand that the weight shown by such certificate be verified it shall be the duty of the person delivering such coal to convey the same forthwith to some public scale of the District, or to any private scale the owner whereof shall consent to such use, and to permit the verifying of the weight shown, and shall, after the delivery of such coal, return forthwith, with the wagon or conveyance used, to the same scale and verify the weight of the wagon or conveyance.—*Sec. 13, ibid.*

PURCHASE OF HORSES, ETC.

160. No part of this appropriation shall be used for breeding purposes.—*Act of May 11, 1908 (35 Stat., 119). (See Annual appropriation acts.)*

161. Hereafter all purchases of horses under appropriations for horses for the Cavalry and Artillery and for the Indian scouts shall be made by contract, after legal advertisement, by the Quartermaster's Department, under instructions of the Secretary of War, the horses to be inspected under the orders of the General Commanding the Army; and no horse shall be received and paid for until duly inspected.—*Act of July 5, 1884 (23 Stat., 109).*

162. Hereafter all purchases of horses, mules, or oxen, wagons, carts, drays, ships, and other seagoing vessels, also all other means of transportation, shall be made by the Quartermaster's Department, by contract, after due legal advertisement, except in cases of extreme emergency.—*Act of July 5, 1884 (23 Stat., 110).*

163. The number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, and all transportation of stores by private parties for the Army shall be done by contract, after due legal advertisement, except in cases of emergency, which must be at once reported to the Secretary of War for his approval.—*Act of July 5, 1884 (23 Stat., 109); Act of Mar. 2, 1901 (31 Stat., 907).*

164. Hereafter no part of this appropriation shall be expended in the purchase for the Army of draft animals until the number on hand shall be reduced to five thousand, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to five thousand.—*Act of Sept. 22, 1888 (25 Stat., 486).*

165. Horses for Cavalry, Artillery, Engineers, and so forth: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War, for remounts, for officers entitled to public mounts, for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable horses shall be purchased

in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *Provided*, That no part of this appropriation shall be expended for polo ponies, except for the West Point Military Academy, and such ponies shall not be used at any other place.—*Act of Mar. 2, 1913 (37 Stat., 714)*. (*See Annual appropriation act.*)

166. Hereafter when a mounted officer is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for his authorized number of owned horses exceeds the sum at the time allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe, in his discretion, to permit the purchase of said horses by the Quartermaster's Department, at a price not exceeding the average contract price paid for horses during the preceding fiscal year, the exact price to be fixed by a board of officers.—*Act of Mar. 23, 1910 (36 Stats., 254)*.

FLAG OF THE UNITED STATES.

167. The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field.—*Sec. 1791, R. S.*

168. On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.—*Sec. 1792, R. S.*

169. That the Secretary of War be, and he is hereby, authorized to deliver to the proper authorities of the respective States in which the regiments which bore these colors were organized certain Union and Confederate battle flags now in the custody of the War Department, for such final disposition as the aforesaid proper authorities may determine.—*Act of Feb. 28, 1905 (33 Stat., 1284)*.

170. That the Secretary of War be, and he is hereby, authorized to permit volunteer regiments, on being mustered out of the service of the United States, to retain all of their regimental colors. Said colors shall be turned over to the State authorities to which said regiments belong, and the regimental quartermaster in making his returns may, in lieu of said colors and in full release therefor, file with the proper officials of the War Department a receipt from the quartermaster general of said State that said colors have been delivered to said State authorities.—*Act of Feb. 25, 1899 (30 Stat., 890)*.

171. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark * * * (b) consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State or municipality, or of any foreign nation.—*Act of Feb. 20, 1905 (33 Stat., 725)*; *Act of Mar. 2, 1907 (34 Stat., 1251)*.

MEDALS.

172. That the President cause to be struck, from the dies recently prepared at the United States Mint for that purpose, "medals of honor" additional to those authorized by the act (resolution) of July twelfth, eighteen hundred and sixty-two, and present the same to such officers, noncommissioned officers, and privates as have most dis-

tinguished or may hereafter most distinguish themselves in action.—*Sec. 6, act of Mar. 3, 1863 (14 Stat. 751).*

173. The Secretary of War * * * is hereby authorized to issue to any person to whom a medal of honor has been awarded, or may hereafter be awarded, under the provisions of the joint resolution approved July twelfth, eighteen hundred and sixty-two, and the act approved March third, eighteen hundred and sixty-three, a rosette or knot to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States; and any appropriation that may hereafter be available for the contingent expenses of the War Department is hereby made available for the purposes of this act: *Provided*, That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it is issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor.—*Act of May 2, 1896 (29 Stat., 473).*

174. For three thousand medals of honor to be prepared, with suitable emblematic devices, upon the design of the medal of honor heretofore issued, or upon an improved design, together with appropriate rosettes or other insignia to be worn in lieu of the medal, and to be presented by direction of the President, and in the name of Congress, to such officers, noncommissioned officers, and privates as have most distinguished, or may hereafter most distinguish, themselves by their gallantry in action * * * : *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to use so many of the medals and rosettes or other insignia provided for by this act as may be necessary to replace the medals that have been issued under the joint resolution of Congress approved July twelfth, eighteen hundred and sixty-two, and section six of the act of Congress approved March third, eighteen hundred and sixty-three: *And provided further*, That whenever it shall appear from official records in the War Department that any officer or enlisted man of the Army so distinguished himself in action as to entitle him to the award of the congressional medal of honor under the provisions of the sixth section of the act of Congress approved March third, eighteen hundred and sixty-three, entitled "An act making appropriations for the sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-four, and for the year ending the thirtieth of June, eighteen hundred and sixty-three, and for other purposes," the fact that the person who so distinguished himself has since become separated from the military service, or that the award of the medal to him was not specifically recommended or applied for while he was in the said service, shall not be held to prevent the award and presentation of the medal to such person under the provisions of the law hereinbefore cited.—*Act of Apr. 23, 1904 (33 Stat., 274).*

175. That in any case where the President of the United States has heretofore, under any act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.—*Act of Apr. 15, 1904 (33 Stat., 588).*

176. The holders of medals of honor under the act approved July twelfth, eighteen hundred and sixty-two, and section six of the act approved March third, eighteen hundred and sixty-three, shall not be required to surrender such medals in case such

medals are replaced, in pursuance of the provisions of the act of Congress approved April twenty-third, nineteen hundred and four; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said act approved April twenty-third, nineteen hundred and four, such medals shall be returned to them: *Provided*, That no recipient of both medals shall wear both medals at the same time.—*Act of Feb. 27, 1907 (34 Stat., 1422)*.

NATIONAL CEMETERIES.

INTERMENTS.

177. All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition, after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.—*Sec. 4878, R. S.*

178. Army nurses, honorably discharged from their service as such, may be buried in any national cemetery, and, if in a destitute condition, free of cost. The Secretary of War is authorized to issue certificates to those army nurses entitled to such burial.—*Act of Mar. 3, 1897 (29 Stat., 625)*.

179. For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, ex-sailors or ex-marines of the United States service, either regular or volunteer, who have been honorably discharged or retired and who die in the District of Columbia, to be disbursed by the Secretary of War, at a cost not exceeding forty-five dollars for such burial expenses in each case, exclusive of cost of grave, three thousand dollars, one-half of which sum shall be paid out of the revenues of the District of Columbia.—*Act of Mar. 4, 1907 (34 Stat., 1346)*.

180. For expenses of burying in the Little Rock, Arkansas, National Cemetery, including transportation thereto, indigent ex-soldiers, ex-sailors, or ex-marines of the United States service, either regular or volunteer, who have been honorably discharged or retired and who die while patients at the Army and Navy General Hospital, Hot Springs, Arkansas, to be disbursed by the Secretary of War, at a cost not exceeding thirty-five dollars for such burial expenses in each case, exclusive of cost of grave.—*Act of June 25, 1910 (36 Stat., 724)*.

ROADWAYS.

181. For repairing the roadways to national cemeteries which have been constructed by special authority of Congress * * * dollars.—*Act of Mar. 3, 1887 (24 Stat., 535)*.

182. No part of this sum shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.—*Act of Mar. 4, 1911 (36 Stat., 1399)*.

183. No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.—*Act of June 25, 1910 (36 Stat., 723)*.

184. No railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads, or walks constructed thereon and maintained by the United States.—*Act of Mar. 4, 1911 (36 Stat., 1399)*.

EXPENSES OF TRANSPORTATION AND BURIAL.

185. To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action, or who die in the field or hospital in Alaska, and at places outside of the limits of the United States, or who die while on voyage at sea, * * * dollars.—*Act of Apr. 28, 1904 (33 Stat. 496)*.

186. In all cases where an officer or an enlisted man in either the Army, Navy, Marine Corps of the United States, or contract surgeon or trained nurse in the employ of the Government, has died while on duty away from home since the first day of January, eighteen hundred and ninety-eight, and the remains have been taken home and buried at the expense of the family or friends of the deceased, the parties who paid the cost of transportation and burying such remains shall be repaid at the expense of the United States by the Secretary of the Treasury, not to exceed what it would have cost the United States to have transported the remains to their homes.—*Act of Mar. 3, 1899 (30 Stat., 1225)*.

187. (For) expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the twenty-first day of April, eighteen hundred and ninety-eight.—*Act of Apr. 23, 1904 (33 Stat., 269)*.

188. For the expenses of interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons, and enlisted men of the Army active list; for the expenses of interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department, who die abroad, inclusive of Alaska, or on Army transports; for the expenses of removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services to be paid out of the funds appropriated by this act, but no reimbursement shall be made under this act of such expenses incurred prior to the first day of July, nineteen hundred and ten, * * * dollars.—*Act of June 25, 1910 (36 Stat., 723)*.

CARE AND MAINTENANCE.

189. The Secretary of War shall provide for the care and maintenance of the national military cemeteries, and for this purpose shall submit an estimate with his annual estimates to Congress, and section 4876 of the Revised Statutes is hereby repealed.—*Act of July 24, 1876 (19 Stat., 99)*.

190. The Secretary of War shall purchase from the owners thereof, at such price as may be mutually agreed upon between the Secretary and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national cemeteries, and obtain from such owners the title in fee simple for the same. And in case the Secretary of War is not able to agree with any owner upon the price to be paid for any real estate needed for such purpose, or to obtain from such owner title in fee simple for the same, the Secretary is hereby authorized to enter upon and appropriate any real estate which, in his judgment, is suitable and necessary for such purposes.—*Sec. 4870, R. S.*

191. The Secretary of War, or the owners of any real estate thus entered upon and appropriated, are authorized to make application for an appraisal of real estate thus entered upon and appropriated to any circuit or district court within any State or district where such real estate is situated; and such court shall, upon such application, and in such mode and under such rules and regulations as it may adopt, make a just and equitable appraisal of the cash value of the several interests of each and every owner of such real estate and improvements thereon.—*Sec. 4871, R. S.*

192. When appraisal of the real estate thus entered upon and appropriated has been made under the order and direction of the court, the fee simple thereof shall, upon payment to the owner of the appraised value, or in case such owner refuses or neglects for thirty days after the appraisal of the cash value of the real estate or improvements as aforesaid to demand the same from the Secretary of War upon depositing the appraised value in the court making such appraisal to the credit of such owner, be vested in the United States, and its jurisdiction over such real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy yards, forts, and arsenals. The Secretary of War is authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisal of any of such courts, or to pay into any of such courts by deposit, as hereinbefore provided, the appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of national cemeteries.—*Sec. 4872, R. S.*

193. For the purchase of additional land in Cave Hill Cemetery, at Louisville, Kentucky, for the burial of soldiers of the Union Army in the late Civil War and in the War with Spain, twenty-five thousand dollars: *Provided*, That the amount of land herein authorized to be purchased and the price paid therefor shall be within the discretion of the Secretary of War.—*Act of Aug. 24, 1912 (37 Stat., 440).*

SUPERINTENDENTS OF NATIONAL CEMETERIES.

194. The Secretary of War shall cause to be erected at the principal entrance of each national cemetery a suitable building to be occupied as a porter's lodge; and shall appoint a meritorious and trustworthy superintendent to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same.—*Sec. 4873, R. S.*

195. The superintendents of the national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the Volunteer or Regular Army, who have been honorably mustered out or discharged from the service of the United States, and who may have been disabled for active field service in the line of duty.—*Sec. 4874, R. S.*

196. The superintendents of the national cemeteries shall receive for their compensation from sixty dollars to seventy-five dollars a month each, according to the extent

and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War, except the superintendent of the Arlington, Virginia, Cemetery, whose compensation may be one hundred dollars per month, at the discretion of the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries."—*Act of July 30, 1912 (37 Stat., 240), amending Sec. 4875, R. S.*

INCLOSURES; HEADSTONES, AND REGISTERS.

197. In the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone or block, which shall be of durable stone, and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon, when the same are known, and also with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the office of the Quartermaster General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are unknown, it shall be so recorded.—*Sec. 4877, R. S.*

198. That the Secretary of War is hereby authorized to erect headstones over the graves of soldiers who served in the Regular or Volunteer Army of the United States during the war for the Union, and who have been buried in private, village, or city cemeteries, in the same manner as provided by the law of March third, eighteen hundred and seventy-three, for those interred in national military cemeteries; and for this purpose, and for the expenses incident to such work, so much of the appropriation of one million dollars, made in the act above mentioned, as has not been expended, and as may be necessary, is hereby made available.

The Secretary of War shall cause to be preserved in the records of his department the names and places of burial of all soldiers for whom such headstones shall have been erected by authority of this or any former acts.—*Act of Feb. 3, 1879 (20 Stat., 281).*

MARKING GRAVES OF CIVILIANS IN POST CEMETERIES.

199. For supplying stone markers for civilian graves in post cemeteries * * * dollars.—*Act of Apr. 23, 1904 (33 Stat., 496).*

JURISDICTION—CRIMINAL OFFENSES.

200. From the time any State legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section eight, article one, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same.—*Sec. 4882, R. S.*

201. Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, gravestone, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national cemetery, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars, and not more than one hundred, or by imprisonment for not less than fifteen days and not more than sixty. The superintendent in charge of any national cemetery is authorized to arrest forthwith any person engaged in committing any misdemeanor herein prohibited, and to bring such person before any United States commissioner or judge of any district or circuit court of the United States within any

State or district where any of the cemeteries are situated, for the purpose of holding such person to answer for such misdemeanor, and then and there shall make complaint in due form.—*Sec. 4881, R. S.*

UNITED STATES CEMETERY NEAR THE CITY OF MEXICO.

202. The President is authorized to provide, out of the ordinary annual appropriations, for establishing and maintaining United States military cemeteries, for the proper care and preservation and maintenance of the cemetery or burial ground near the City of Mexico, in which are interred the remains of officers and soldiers of the United States, and of citizens of the United States, who fell in battle or died in and around said city.—*Sec. 4879, R. S.*

203. The cemetery in Mexico shall be subject to the rules and regulations affecting United States national military cemeteries within the limits of the United States, so far as they may, in the opinion of the President, be applicable thereto.—*Sec. 4880, R. S.*

CONFEDERATE SECTION, ARLINGTON NATIONAL CEMETERY.

204. To enable the Secretary of War to have reburied in some suitable spot in the national cemetery at Arlington, Virginia, and to place proper headstones at their graves, the bodies of about one hundred and twenty-eight Confederate soldiers now buried in the National Soldiers' Home, near Washington, District of Columbia, and the bodies of about one hundred and thirty-six Confederate soldiers now buried in the national cemetery at Arlington, Virginia, two thousand five hundred dollars, or so much thereof as may be necessary.—*Act of June 6, 1900 (31 Stat., 630).*

205. Hereafter persons dying in the District of Columbia or in the immediate vicinity thereof who have served in the Confederate Armies during the Civil War may be buried in the Confederate section of the Arlington National Cemetery without additional expense to the United States upon the certificate of Camp Numbered One hundred and seventy-one, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial under the authority herein given: *Provided*, That all such interments shall be under the supervision and subject to the approval of the Secretary of War.—*Act of Aug. 24, 1912 (37 Stat., 440).*

CONFEDERATE MOUND, OAK WOODS CEMETERY, CHICAGO.

206. That the Secretary of War be, and he is hereby, authorized from time to time to enter into contract with the Oak Woods Cemetery Association for the proper care, protection, and maintenance of the said plot of ground known as "Confederate Mound" and described in section one of this act: *Provided, however*, That the annual expense thereof shall not exceed the sum of two hundred and fifty dollars.—*Act of Feb. 7, 1903 (32 Stat., 804).*

MARKING GRAVES OF CONFEDERATES WHO DIED IN FEDERAL PRISONS AND MILITARY HOSPITALS IN THE NORTH.

207. That the Secretary of War be, and he is hereby, authorized and directed to ascertain the locations and condition of all the graves of the soldiers and sailors of the Confederate Army and Navy in the late Civil War, eighteen hundred and sixty-one to eighteen hundred and sixty-five who died in Federal prisons and military hospitals in the North and who were buried near their places of confinement; with the power in his discretion to acquire possession or control over all grounds where said prison dead are buried not now possessed or under the control of the United States Government; to cause to be prepared accurate registers in triplicate, one for the superintend-

ent's office in the cemetery, one for the Quartermaster General's office, and one for the War Record's Office, Confederate archives, of the places of burial, the number of the grave, the name, company, regiment, or vessel, and State of each Confederate soldier and sailor who so died, by verification with the Confederate archives in the War Department at Washington, District of Columbia; to cause to be erected over said graves white marble headstones similar to those recently placed over the graves in the "Confederate section" in the national cemetery at Arlington, Virginia, similarly inscribed; to build proper fencing for the preservation of said burial grounds, and to care for said burial grounds in all proper respects not herein specifically mentioned, the said work to be completed within two years, at the end of which a report of the same shall be made to Congress. That for the carrying out of the objects set forth herein there be appropriated out of any money in the Treasury of the United States not otherwise appropriated the sum of two hundred thousand dollars, or so much thereof as may be necessary. And the Secretary of War is hereby authorized and directed to appoint some competent person as commissioner to ascertain the location of such Confederate graves not heretofore located, and to compare the names of those already marked with the registers in the cemeteries, and correct the same when found necessary as preliminary to the work of marking the graves with suitable headstones, and to fix the compensation of said commissioner at the rate of not to exceed two thousand five hundred dollars per annum, who shall be allowed necessary traveling expenses.—*Act of Mar. 9, 1906 (34 Stat., 56)*

207½. That the act entitled "An act to provide for the appropriate marking of the graves of soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March ninth, nineteen hundred and six, and continued in full force and effect for two years by joint resolution approved February twenty-sixth, nineteen hundred and eight, and for the additional period of one year by a joint resolution approved February twenty-fifth, nineteen hundred and ten, and for the further additional period of two years by a joint resolution approved December twenty-third, nineteen hundred and ten, is continued in full force and effect for two years from this date; and the unexpended balance of the appropriation made by said act of March ninth, nineteen hundred and six, is continued and made applicable for expenditure during the additional period of two years herein provided for: *Provided*, That hereafter the provisions of said act shall include and apply to the graves of Confederate soldiers and sailors lying in all national cemeteries and cemeteries at Federal military stations, or localities throughout the country: *Provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.—*Joint resolution approved Mar. 14, 1914.*

CONFEDERATE CEMETERY, SPRINGFIELD, MO.

208. That the Confederate cemetery near Springfield, Missouri, and which adjoins the national cemetery at that place, having been tendered by proper authority to the United States Government, the same is hereby accepted, under the conditions that the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances; to preserve and keep a record, as far as possible, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America; *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore

enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1077).*

209. That the Secretary of War, under this act, is directed to take the necessary steps for the proper transfer of the cemetery to the Government, and when the same has been duly completed to put it in charge of the keeper of the national cemetery at Springfield, Missouri, requiring him to exercise the same care in the preservation, beautifying, and caretaking generally as is done in regard to the national cemetery. Also that a suitable gate or entry way be made in the stone wall which now divides the two cemeteries, so that persons may readily pass from one to the other. Whatever additional funds may be required for the purpose of carrying out the provisions of this act shall be paid out of any fund which may be available for the maintenance of national cemeteries.—*Sec. 2, ibid.*

CONFEDERATE BURIAL PLATS.

210. For the care, protection, and maintenance of Confederate burial plats, owned by the United States, located and known by the following designations: Confederate cemetery, North Alton, Illinois; Confederate cemetery, Camp Chase, Columbus, Ohio; Confederate section, Greenlawn cemetery, Indianapolis, Indiana; Confederate cemetery, Point Lookout, Maryland; and Confederate cemetery, Rock Island, Illinois, \$1,250.—*Act of Aug. 24, 1912 (37 Stat., 441).*

MONUMENTS OR TABLETS IN CUBA AND CHINA.

211. For marking the places where American soldiers fell and were temporarily interred in Cuba and China, * * * dollars, said sum to be immediately available.—*Act of Mar. 13, 1905 (33 Stat., 1196).*

212. For marking the places where American soldiers fell and were temporarily interred in Cuba and China, * * * dollars, said sum to be immediately available.—*Act of Mar. 2, 1907 (34 Stat., 1175).*

213. For repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, * * * dollars.—*Act of Aug. 24, 1912 (37 Stat., 441).*

ANTIETAM BATTLE FIELD.

214. For the purpose of surveying, locating, and preserving the lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and for marking the same, and for locating and marking the position of each of the forty-three different commands of the Regular Army engaged in the Battle of Antietam, and for the purchase of sites for tablets for the marking of such positions, fifteen thousand dollars. And all lands acquired by the United States for this purpose, whether by purchase, gift, or otherwise, shall be under the care and supervision of the Secretary of War.—*Act of Aug. 30, 1890 (26 Stat., 401).*

215. For repair and preservation of monuments, tablets, observation tower, roads, and fences, and so forth, made and constructed by the United States upon public land within the limits of the Antietam battle field, near Sharpsburg, Maryland, * * * dollars.—*Act of July 1, 1898 (30 Stat., 634).*

216. For pay of superintendent of Antietam battle field, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, * * * dollars.—*Act of Apr. 28, 1904 (33 Stat., 496).*

CONFEDERATE CEMETERY, LITTLE ROCK, ARK.

217. That the Secretary of War is hereby authorized to accept a conveyance to the United States of the Confederate cemetery in Little Rock, Arkansas, which adjoins the national cemetery at that place, and when so accepted the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances, and preserve and keep a record, as far as reasonably practicable, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.—*Act of Feb. 7, 1913 (37 Stat., 663).*

218. That the Secretary of War, under this act, is directed to take the necessary steps for the proper transfer of the cemetery to the Government, and when the same has been duly completed, to put it in charge of the keeper of the national cemetery at Little Rock, Arkansas, requiring him to exercise the same care in the preservation, beautifying, and caretaking generally as is done in regard to the national cemetery; also that a suitable gate or entryway be made in the stone wall which now divides the two cemeteries so that persons may readily pass from one to the other. Whatever additional funds may be required for the purpose of carrying out the provisions of this act shall be paid out of any fund which may be available for the maintenance of national cemeteries.—*Sec. 2, ibid.*

PAY AND ALLOWANCES OF THE ARMY.**ADVANCE OF PUBLIC MONEY.**

219. No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled can not be regularly effected.—*Sec. 3648, R. S.*

AIDS.

220. Each major general shall have three aids, who may be selected by him from captains or lieutenants of the Army, and each brigadier general shall have two aids, who may be selected by him from lieutenants of the Army.—*Sec. 1098, R. S.*

221. An aid to a major general is allowed two hundred dollars per year in addition to the pay of his rank, and an aid to a brigadier general is allowed one hundred and fifty dollars per year in addition to the pay of his rank.—*Sec. 1261, R. S.*

222. The lieutenant general may select from the Army two aids and one military secretary, who (shall) have the rank of lieutenant colonel of cavalry while serving on his staff.—*Sec. 1097, R. S.*

AVIATION DUTY.

223. The pay and allowances that are now or may be hereafter fixed by law for officers of the Regular Army shall be increased thirty-five per centum for such officers as are now or may be hereafter detailed by the Secretary of War on aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier than air craft, and while so detailed: *Provided further*, That no more than thirty officers shall be detailed to the aviation service: *Provided further*, That paragraph two of section twenty-six of an act of Congress approved February second, nineteen hundred and one, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: *Provided further*, That nothing in this provision shall be construed to increase the total number of officers now in the Regular Army.—*Act of Mar. 2, 1913 (37 Stat., 705)*.

COMMISSIONED OFFICERS.

224. Hereafter all commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulations and restrictions as the Secretary of War may prescribe.—*Act of Mar. 2, 1907 (34 Stat., 1159)*.

225. That hereafter section thirty-six hundred and twenty, Revised Statutes, as amended by the act of Congress approved February twenty-seventh, eighteen hundred and seventy-seven, shall not be construed as precluding officers of the Quartermaster Corps from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by any officer of the Army if the pay account has been deposited for payment on maturity in conformity with such regulations as the Secretary of War may prescribe: *Provided further*, That payment by the United States of a check on the indorsement of the indorsee specified on the pay account shall be a full acquittance for the amount due on the pay account.—*Act Mar. 2, 1913 (37 Stat., 710)*.

226. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriations therefor explicitly state that it is for such additional pay, extra allowance, or compensation.—*Sec. 1765, R. S.*

227. When a vacancy shall occur in the office of General * * * such office shall cease and all enactments creating or regulating such office shall * * * be held to be repealed.—*Sec. 1217, R. S.*

228. When the office of Lieutenant General shall become vacant it shall not thereafter be filled, but said office shall cease and determine.—*Act of Mar. 2, 1907 (34 Stat., 1160)*.

229. Brevets conferred upon commissioned officers shall not entitle them to any increase of pay.—*Sec. 1264, R. S.*

230. Every officer who is dropped by the President from the rolls of the Army, for absence from duty three months without leave, shall forfeit all pay due or to become due.—*Sec. 1266, R. S.*

231. Hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major general, eight thousand dollars; brigadier general, six thousand dollars; colonel, four thousand dollars; lieutenant colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant, one thousand seven hundred dollars.—*Act of May 11, 1908 (35 Stat., 108).*

232. Hereafter in time of peace whenever any officer holding a permanent commission in the line of the Army with rank below that of major shall not have been actually present for duty for at least two of the past preceding six years, with a troop, battery, or company of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such troop, battery, or company, for duty of any kind; and all pay and allowances shall be forfeited by any superior for any period during which, by his order, or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso.—*Act of Aug. 24, 1912 (37 Stat. 571).*

233. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.—*Sec. 1268, R. S. (See par. 231.)*

234. Every noncommissioned officer and private of the Regular Army, and every officer, noncommissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law.—*Sec. 1288, R. S.*

DEATH IN SERVICE.

235. Hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Army, the Paymaster General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.—*Act of May 11, 1908 (35 Stat., 108).*

236. The act approved May eleventh, nineteen hundred and eight, for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, and so forth, be amended as follows: Strike out the words "contracted in the line of duty" and insert in lieu thereof the words "not the result of his own misconduct."—*Act of Mar. 3, 1909 (35 Stat., 735).*

236½. Officers charged with the care of the effects of deceased officers or soldiers, shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be

permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.—*One hundred and twenty-seventh Article of War.*

DETAILS—COMMISSIONED OFFICERS.

237. The officer in charge of public buildings and grounds shall have the rank, pay, and emoluments of a colonel.—*Act of Mar. 3, 1873 (17 Stat., 535).*

238. The President be and is hereby authorized to appoint by and with the advice and consent of the Senate an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have, while so serving, the rank, pay, and allowances of a major.—*Act of Mar. 2, 1903 (32 Stat., 932).*

239. Officers of the Army of the United States may be detailed for service as chief and assistant chiefs, the said assistant chiefs not to exceed in number four, of the Philippine Constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided*, That the difference between the pay and allowances of brigadier general and colonel as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.—*Act of Jan. 30, 1903 (32 Stat., 783).*

240. No officer hereafter detailed or appointed under the provisions of section twenty-six of the act of February second, nineteen hundred and one, who has less than four years to serve from the date of his detail or appointment to the date of his retirement shall serve under such detail or appointment or be paid as if on the active list beyond the date of his retirement.—*Act of June 30, 1902 (32 Stat., 509).*

241. Acting judge advocates provided for herein shall be detailed from officers of the grades of captain or first lieutenant of the line of the Army, who, while so serving, shall continue to hold their commissions in the arm of the service to which they permanently belong.—*Act of Feb. 2, 1901 (31 Stat., 751).*

242. That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier general; four colonels, six lieutenant colonels, and twelve majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; twenty captains, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who, while so serving, shall have the rank, pay, and allowances of captain mounted.—*Act of Feb. 14, 1903 (32 Stat., 831).*

243. Hereafter details for service to the grade of first lieutenant in the Ordnance Department under the provisions of the act of February second, nineteen hundred and one, may be made, from the Army at large, from the grade of first or second lieutenant, and officers so detailed shall, while so serving, receive the pay of first lieutenant.—*Act of Mar. 2, 1903 (32 Stat., 942).*

244. The Secretary of War is hereby authorized to detail such number of officers of the line as he may deem necessary to serve as acting judge advocates of military departments, who shall have while on such duty the rank, pay, and allowances of captains of Cavalry.—*Act of July 5, 1884 (23 Stat., 113).*

245. The principal assistant in the Ordnance Bureau shall receive a compensation, including pay and emoluments, not exceeding that of a major of Ordnance.—*Sec. 1279, R. S.*

246. A chief ordnance officer may be assigned to the staff of an Army or a corps commander, and while so assigned shall have the rank, pay, and allowances of a lieutenant colonel. A chief ordnance officer may be assigned to the staff of a division commander; and while so assigned shall have the rank, pay, and allowances of a major.—*Act of July 7, 1898 (30 Stat., 720).*

246½. The captains and lieutenants (Cavalry) not required for duty with the troops shall be available for detail as regimental and squadron staff officers and such other details as may be authorized by law and regulations. Squadron adjutants shall receive one thousand eight hundred dollars per annum and the allowances of first lieutenants; squadron quartermasters and commissaries shall receive one thousand six hundred dollars per annum and the allowances of second lieutenant.—*Act of Feb. 2, 1901 (31 Stat., 748).*

247. That after September first, nineteen hundred and fourteen, in time of peace, whenever any officer holding a permanent commission in the line of the Army, with rank of colonel, lieutenant colonel, or major, shall not have been actually present for duty for at least two years of the last preceding six years with a command composed of not less than two troops, batteries, or companies of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such command for duty of any kind except as hereinafter specifically provided; and all pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this act; but nothing in this act shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the organization or command to which he shall belong in that branch in which he shall hold a permanent commission; nor shall anything in this act be held to apply to the detachment or detail of officers for duty in connection with the construction of the Panama Canal until after such canal shall have been formally opened, or in connection with the Alaska Road Commission or the Alaska Railroad or the Bureau of Insular Affairs; and nothing in this act shall prevent the redetail of officers above the grade of major to fill vacancies in the various staff corps and departments as provided for by section twenty-six of the act of Congress approved February second, nineteen hundred and one: *Provided further*, That whenever the service record of any field officer is to be ascertained for the purposes of this act, all duty actually performed by him during the last preceding six years, in a grade below that of major, in connection with any statutory organization of that branch of the Army in which he shall hold a permanent commission, or as a staff officer of any coast-defense or coast-artillery district, shall be credited to him as actual presence for duty with a command composed as hereinbefore prescribed: *And provided further*, That temporary duty of any kind hereafter performed with United States troops in the field for a period or periods the aggregate of which shall not exceed sixty days in any one calendar year, and duty hereafter performed in command of United States Army mine planter by an officer assigned to a company from which this detachment is drawn, and duty hereafter performed in command of a machine-gun platoon or a machine-gun unit, by any officer who, before assignment to such duty, shall have been regularly assigned to, and shall have entered upon duty with, an organization or a command the detachment of certain officers from which is prohibited by the act of Congress approved August twenty-fourth, nineteen hundred and twelve, or by this act, shall, for the purposes of said acts, hereafter be counted as actual presence for duty with such organization or command.—*Act of April 27, 1914.*

248. The Secretary of War is hereby authorized to detail an officer of the Army whom he may consider especially well qualified to act as principal assistant to the Chief of the Bureau of Insular Affairs of the War Department, and said principal assistant, while acting under said detail, shall have the rank, pay, and allowances of a major.—*Act of Mar. 2, 1907 (34 Stat., 1162).*

249. The Chief of the Bureau of Insular Affairs of the War Department shall hereafter be appointed by the President for the period of four years, unless sooner relieved, with the advice and consent of the Senate, and while holding that office he shall have the rank, pay, and allowances of a brigadier general.—*Act of June 25, 1906 (34 Stat., 456).*

250. The Secretary of War is hereby authorized to detail one additional officer of the Army as assistant to the Chief of the Bureau of Insular Affairs, under the same provisions of law in regard to the vacancy in the line thus created and return to the line as govern in the case of the assistant authorized by the act of March second, nineteen hundred and seven; and the assistant herein authorized while serving in this capacity shall have the rank, pay, and allowances of a colonel; and both officers detailed in the Bureau of Insular Affairs shall hereafter be designated, while on this duty, as assistants to the Chief of the Bureau.—*Act of Mar. 23, 1910 (36 Stat., 248).*

251. That when vacancies shall occur in the position of chief of any staff corps or department, the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff corps or department is filled by the appointment of an officer below the rank now provided by law for said office, said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department.—*Sec. 26, act of Feb. 2, 1901 (31 Stat., 755).*

DISBURSING AGENTS.

252. For pay of exchange by special disbursing agents of the Pay Department serving in foreign countries, and when specially authorized by the Secretary of War by special disbursing agents of the Quartermaster Corps serving in Alaska.—*Act of Mar. 2, 1907 (34 Stat., 1164).* (*See annual appropriation act.*)

ELIGIBILITY FOR DETAIL.

253. Hereafter, in determining the eligibility, under the provisions of the act of Congress approved August twenty-fourth, nineteen hundred and twelve, of troop, battery, or company officers for detail as officers of the various staff corps and departments of the Army, except the General Staff Corps, service actually performed by any such officer with troops prior to December fifteenth, nineteen hundred and twelve, as a regimental, battalion, or squadron staff officer, shall be deemed to have been duty with a battery, company, or troop: *Provided further,* That regimental, battalion, and squadron quartermasters and commissaries shall hereafter be required to perform the duties of officers of the Quartermaster Corps, including the receipting for any money or property pertaining to said corps, when no officer of the Quartermaster Corps is present for such duties, and nothing contained in the Army appropriation act approved August twenty-fourth, nineteen hundred and twelve, shall hereafter be held or construed so as to prevent competent authority from requiring any officers of the Army to act temporarily as quartermasters wherever there shall be no officers of the Quartermaster Corps and no regimental, battalion, or squadron quartermasters or commissaries present for such duty.—*Act of Mar. 2, 1913 (37 Stat., 706).*

FOREIGN SERVICE—COMMISSIONED OFFICERS.

254. Hereafter the pay proper of all commissioned officers and enlisted men serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law for time of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto.—*Act of June 30, 1902 (32 Stat., 512).*

255. Officers and enlisted men who have served on Army transports in the Philippine Archipelago at any time since May twenty-sixth, nineteen hundred, under the control and orders of the commanding general, Philippines Division, or who may hereafter so serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men serving at shore stations beyond the limits of the United States.—*Act of May 11, 1908 (35 Stat., 114).*

256. Hereafter the laws allowing increase of pay to officers and enlisted men for foreign service shall not apply to service in the Canal Zone, Panama, or Hawaii or Porto Rico.—*Act of Aug. 24, 1912 (37 Stat., 576).*

FUEL AND FORAGE.

257. Allowances of or commutation for fuel to commissioned officers is hereby prohibited; but fuel may be furnished to the officers of the Army by the Quartermaster's Department for the actual use of such officers only at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel according to the regulations now in existence; and forage in kind may be furnished to the officers of the Army by the Quartermaster's Department, only for horses owned and actually kept by such officers in the performance of their official military duties when on duty with troops in the field or at such military posts west of the Mississippi River, as may be from time to time designated by the Secretary of War, and not otherwise, as follows: To the general, five horses; to the lieutenant general, four horses; to a major general, three horses; to a brigadier general, three horses; to a colonel, two horses; to a lieutenant colonel, two horses; to a major, two horses; to a captain (mounted), two horses; to a lieutenant (mounted), two horses; to an adjutant, two horses; to a regimental quartermaster, two horses.—*Act of June 18, 1878 (20 Stat., 150), amending secs. 1270-1271, R. S.*

258. There shall be no discrimination in the issue of forage against officers serving east of the Mississippi River provided they are required by law to be mounted and actually keep and own their animals.—*Act of Feb. 24, 1881 (21 Stat., 347).*

259. Hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department for the actual use of such officers only at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, the amount so furnished to each to be limited to the officer's actual personal necessities as certified to by him.—*Act of June 12, 1906 (34 Stat., 250).*

260. Forage shall be allowed to officers only for horses authorized by law and actually kept by them in service when on duty and at the place where they are on duty.—*Sec. 1272, R. S.*

261. Hereafter when an officer is separated from his authorized number of owned horses through the nature of the military service upon which employed they shall not be deprived of forage, bedding, shelter, shoeing, or medicines therefor because of such separation.—*Act of Mar. 23, 1910 (36 Stat., 252).*

HIGHER COMMAND.

262. In time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier general shall not be paid in any case by reason of such assignment.—*Act of Apr. 26, 1898 (30 Stat., 365)*.

HONORABLE DISCHARGE.

263. Should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall, if a first lieutenant or captain, be honorably discharged from the service with one year's pay; and, if a major, shall be debarred from promotion and the officer next in rank found qualified shall be promoted to the vacancy. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted.—*Act of Apr. 23, 1908 (35 Stat., 67)*.

LEAVE OF ABSENCE—COMMISSIONED OFFICERS.

263½. Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half-pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence unless the absence is excused as unavoidable.—*Sec. 1265, R. S.*

263¾. All officers on duty shall be allowed, in the discretion of the Secretary of War, sixty days' leave of absence without deduction of pay or allowance: *Provided*, That the same be taken once in two years: *And provided further*, That the leave of absence may be extended to three months if taken once only in three years, or four months if taken only once in four years.—*Act of July 29, 1876 (19 Stat., 102)*.

264. Leaves to be absent from the Philippine Islands, other than to return to the United States, which may be granted officers of the Army serving in said islands and sailing from Manila, shall be regarded as taking effect on the dates such officers reach Manila, and as terminating on the dates of their departure from Manila, in returning to their stations.—*Act of Mar. 2, 1907 (34 Stat., 1171)*.

265. Hereafter no officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War.—*Act of Apr. 27, 1914. (See also annual appropriation acts of 1913 and 1914.)*

266. Officers appointed to the Regular Army from the Volunteer service, whose service has been continuous, shall, in the computation of leaves of absence after their

appointment in the Regular Army, be entitled to the leave credits which accrued to them as Volunteer officers where such leave credits were not availed of during their Volunteer service.—*Act of June 30, 1902 (32 Stat., 508).*

267. Leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or without the limits of the United States, for the purpose of returning thereto, or which may have been granted such officers for such purpose since the thirteenth day of October, eighteen hundred and ninety-eight, shall be regarded as taking effect on the dates such officers reached or may have reached the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October 13, 1898.—*Act of Mar. 2, 1901 (31 Stat., 902).*

268. No officer or enlisted man in active service, who shall be absent from duty on account of disease resulting from his own intemperate use of drugs, or alcoholic liquors, or other misconduct, shall receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War.—*Annual appropriation act.*

LONGEVITY PAY—COMMISSIONED OFFICERS.

269. There shall be allowed and paid to each commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each term of five years of service.—*Sec. 1262, R. S.*

270. From and after the first day of July, eighteen hundred and eighty-two, the ten per centum increase for length of service allowed to certain officers by section twelve hundred and sixty-two of the Revised Statutes shall be computed on the yearly pay of the grade fixed by sections twelve hundred and sixty-one and twelve hundred and seventy-four of the Revised Statutes.—*Act of June 30, 1882 (22 Stat., 118).*

271. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law.—*Sec. 1263, R. S.*

272. In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant colonel exceed four thousand five hundred dollars a year, or the pay a major exceed four thousand dollars a year.—*Act of May 11, 1908 (35 Stat., 108.)*

273. The actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay.—*Act of Feb. 24, 1881 (21 Stat., 346).*

274. All officers of the Army of the United States who have served as officers in the Volunteer forces during the War of the Rebellion, or as enlisted men in the armies of the United States, Regular or Volunteer, shall be, and are hereby, credited with the full time they may have served as such officers and as such enlisted men in computing their service for longevity pay and retirement.—*Act of June 18, 1878 (20 Stat., 150).*

275. Hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be computed in computing for any purpose the length of service of any officer of the Army.—*Sec. 6, act of Aug. 24, 1912 (37 Stat., 594).*

MILEAGE, ETC.

276. When the station of an officer is changed while he is on leave of absence, he will, on joining the new station, be entitled to mileage for the distance to the new station from the place where he received the order directing the change, provided the distance be no greater than from the old to the new station; but if the distance be greater he will be entitled to mileage for a distance equal to that from the old to the new station only.—*Act of June 12, 1906 (34 Stat., 247).*

277. Hereafter no portion of the appropriation for mileage to officers travelling on duty without troops shall be expended for inspections or investigations except such as are especially ordered by the Secretary of War, or such as are made by Army and department commanders in visiting their commands, and those made by the Inspector General's Department in pursuance of law, Army Regulations, or orders issued by the Secretary of War.—*Act of Aug. 6, 1894 (28 Stat., 237).*

278. All allowances for mileage shall be made solely from the sums herein appropriated for such purposes.—*Act of Apr. 23, 1904 (33 Stat., 267).*

279. All orders involving the payment of mileage shall state the special duty enjoined.—*Act of Aug. 6, 1894 (28 Stat., 237)*

280. The necessity for travel in the military service shall be certified to by the officer issuing the order and stated in the order.—*Act of Mar. 3, 1883 (22 Stat., 456).*

281. Hereafter the officers detailed to obtain military information from abroad shall be entitled to mileage and transportation, and also to commutation of quarters while on duty, as provided when on other duty.—*Act of Feb. 27, 1893 (27 Stat., 480).*

282. Hereafter officers, active and retired, when traveling under competent orders without troops, and retired officers who have so traveled since March third, nineteen hundred and five, shall be paid seven cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deductions as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances and deductions computed over routes established and by mileage tables prepared by the Paymaster General of the Army under the direction of the Secretary of War.—*Act of June 12, 1906 (34 Stat., 246).*

283. The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the laws governing the payment of mileage and commutation of quarters to officers of the Army.—*Act of June 12, 1906 (34 Stat., 246).*

284. For travel expenses of officers (engineers) on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances.—*Act of Mar. 2, 1913 (37 Stat., 719).*

ACTUAL EXPENSES, SEA TRAVEL, ETC.

285. For all sea travel actual expenses only shall be paid to officers, contract surgeons, contract dental surgeons, and veterinarians, to paymasters' clerks, and to the expert accountant of the Inspector General's Department when traveling on duty under competent orders, with or without troops, and the amount so paid shall not include any shore expenses at port of embarkation or debarkation; but for the purpose of determining allowances for all travel under orders, or for officers and enlisted men

on discharge, travel in the Philippine Archipelago, the Hawaiian Archipelago, the home waters of the United States, and between the United States and Alaska shall not be regarded as sea travel and shall be paid for at the rates established by law for land travel within the boundaries of the United States.—*Act of June 12, 1906 (34 Stat., 247)*.

286. Hereafter actual expenses only, not to exceed four dollars and fifty cents per day and cost of transportation when not furnished by the Quartermaster's Department, shall be paid to the officers of the Army, contract surgeons, and dental surgeons when traveling on duty without troops, under competent orders, within the geographical limits of the Territory of Alaska.—*Act of May 11, 1908 (35 Stat., 114)*.

DEDUCTIONS, MILEAGE, ETC.

287. Officers who so desire may, upon application to the Quartermaster's Department, be furnished under their orders transportation requests for the entire journey by land, exclusive of sleeping and parlor car accommodations, or by water; and the transportation so furnished shall, if travel was performed under a mileage status, be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department three cents per mile for transportation furnished, except over any railroad which is a free or fifty per centum land-grant railroad, for the credit of the appropriation for the transportation of the Army and its supplies.—*Act of June 12, 1906 (34 Stat., 246)*.

288. When the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any fifty per centum land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department. When transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same, three cents per mile for the distance for which transportation has been or should have been furnished.—*Act of June 12, 1906 (34 Stat., 247)*.

MILITARY DETAILS UNDER CUBA AND PANAMA.

289. The consent of Congress is hereby granted to the acceptance by officers of the Army, in the discretion of the President, of such military details under the Governments of Cuba and Panama as may be requested by the Presidents of these Republics: *Provided*, That such details shall not exceed five in number: *And provided further*, That no officer so detailed shall receive any present, emolument, office, or title of any kind whatever from the Government of Cuba or Panama.—*Act of Apr. 19, 1910 (36 Stat., 324)*.

PAY FOR MOUNTS.

290. Hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts.—*Act of May 11, 1908 (35 Stat., 108)*.

RETIREMENT FOR PHYSICAL DISABILITY.

291. Should the officer fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in line of duty he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should fail for any other reason he shall be suspended from promotion for one year, when he shall be reexamined, and in case of failure on such reexamination he shall be honorably discharged with one year's pay.—*Act of Oct. 1, 1890 (26 Stat., 562).*

QUARTERS AND COMMUTATION OF QUARTERS.

292. That at all posts and stations where there are public quarters belonging to the United States officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is stated in the following table, namely: Second lieutenants, two rooms; first lieutenants, three rooms; captains, four rooms; majors, five rooms; lieutenant colonels, six rooms; colonels, seven rooms; brigadier generals, eight rooms; major generals, nine rooms; lieutenant generals, ten rooms: *Provided further*, That at places where there are no public quarters commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding twelve dollars per month per room.—*Act of Mar. 2, 1907 (34 Stat., 1163).*

293. No allowance shall be made for claims for quarters for servants heretofore or hereafter; and that the rate of commutation shall hereafter be twelve dollars per month per room for officers' quarters, in lieu of ten dollars, as now provided by law.—*Act of June 23, 1879 (21 Stat., 31).*

294. Hereafter officers temporarily absent on duty in the field shall not lose their right to quarters, or commutation thereof, at their permanent station while so temporarily absent.—*Act of Feb. 27, 1893 (27 Stat., 480).*

295. Hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regulations as the Secretary of War may prescribe.—*Act of Mar. 2, 1907 (34 Stat., 1167).*

296. For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1055).*

TRAVEL ALLOWANCE.

297. Hereafter when an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment or to the place of his original muster into the service four cents per mile.—*Act of Mar. 2, 1901 (31 Stat., 902).*

RETIRED COMMISSIONED OFFICERS.

298. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired.—*Sec. 1274, R. S.*

299. Any officer of the Army below the grade of brigadier general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, otherwise than as a

cadet, and whose name is borne on the official register of the Army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Army and placed on the retired list by virtue of the provisions of a special act of Congress.—*Act of Apr. 23, 1904 (33 Stat., 264)*.

300. Any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief.—*Act of Feb. 2, 1901 (31 Stat., 755)*.

301. Officers who served creditably in the regular or volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, and who now hold the rank of brigadier general on the active list of the Army, having previously held that rank for three years or more, shall, when retired from active service, have the rank and retired pay of major general.—*Act of Mar. 2, 1907 (34 Stat., 1163)*.

ACTIVE DUTY.

302. Any retired officer may, on his own application, be detailed to serve as professor in any college (but while so serving such officer shall be allowed no additional compensation).—*Sec. 1260, R. S.*

303. Retired officers of the Army may be assigned to duty at the Soldiers' Home, upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty: *Provided*, That they receive from the Government only the pay and emoluments allowed by law to retired officers.—*Sec. 1259, R. S.*

304. Retired officers of the Army above the grade of major, heretofore or hereafter assigned to active duty, shall hereafter receive their full retired pay and shall receive no further pay or allowances from the United States.—*Act of Mar. 2, 1905 (33 Stat., 831)*.

305. A colonel or lieutenant colonel heretofore or hereafter assigned to active duty shall hereafter receive the same pay and allowances as a retired major would receive under a like assignment.—*Act of June 12, 1906 (34 Stat., 245)*.

306. That the act approved November third, eighteen hundred and ninety-three, authorizing the detail of officers of the Army and Navy to educational institutions, be amended so as to provide that retired officers, when so detailed, shall receive the full pay and allowances of their rank, except that the limitations on the pay of officers of the Army above the grade of major as provided in the acts of March second, nineteen hundred and five, and June twelfth, nineteen hundred and six, shall remain in force.—*Act of Mar. 3, 1909 (35 Stat., 738)*.

307. That no detail shall be made under this act to any school unless it shall pay the cost of commutation of quarters of the retired officers or noncommissioned officers detailed thereto and the extra-duty pay to which they may be entitled by law to receive for the performance of special duty: *Provided*, That no detail shall be made under the provisions of this act unless the officers and noncommissioned officers to be detailed

are willing to accept such position: *Provided further*, That they shall receive no compensation from the Government other than their retired pay.—*Act of Apr. 21, 1904 (33 Stat., 225)*.

308. In addition to the detail of retired officers now authorized by law, it shall hereafter be lawful for the Secretary of War to detail, whenever in his judgment the public interests require it, not exceeding twenty retired officers for service in connection with the Organized Militia in the States or Territories, upon the request of the governor thereof, and such retired officers shall be entitled, while so employed, to receive the full pay and allowances of their respective grades.—*Act of Mar. 2, 1903 (32 Stat., 932)*.

309. In time of war retired officers of the Army may, in the discretion of the President, be employed on active duty, other than in the command of troops, and when so employed they shall receive the full pay and allowances of their grades.—*Act of Mar. 2, 1899 (30 Stat., 979)*.

310. The President of the United States may detail as adjutant general of the District of Columbia Militia any retired officer of the Army who may be nominated to the President by the brigadier general commanding the District of Columbia Militia, said retired officer while so detailed to have the active-service pay and allowances of his rank in the Regular Army.—*Act of June 6, 1900 (31 Stat., 671)*.

311. That upon the application of any college, university, or institution of learning incorporated under the laws of any State within the United States, having capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor thereof; and such officer may receive from the institution to which he may be detailed the difference between his retired and full pay, and shall not receive any additional pay or allowance from the United States.—*Act of May 4, 1880 (21 Stat., 113)*.

LONGEVITY PAY.

312. No part of this sum shall be used for payment of further increase of longevity pay to officers now on the retired list, and officers hereafter retired from active service shall not be therefrom allowed or paid any increase of longevity pay above the sum allowed and paid to such officers at the date of retirement, unless retired on account of wounds received in battle.—*Act of June 30, 1902 (32 Stat., 511)*.

313. Hereafter, except in case of officers retired on account of wounds received in battle, no officer now on the retired list shall be allowed or paid any further increase of longevity pay, and officers hereafter retired, except as herein provided, shall not be allowed or paid any further increase of longevity pay above that which had accrued at date of their retirement.—*Act of Mar. 2, 1903 (32 Stat., 932)*.

WHOLLY RETIRED OFFICERS.

314. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement.—*Sec. 1275, R. S.*

SETTLEMENT OF ACCOUNTS OF DECEASED OFFICERS AND ENLISTED MEN.

315. Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than five hundred dollars and no demand is presented by a duly appointed legal representative of the

estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.—*Act of June 30, 1906 (34 Stat., 750)*.

STOPPAGES OF PAY.

316. The cost of repairs or damages done to arms, equipments, or implements shall be deducted from the pay of any officer or soldier in whose care or use the same were when such damages occurred, if said damages were occasioned by the abuse or negligence of said officer or soldier.—*Sec. 1303, R. S.*

317. In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies, the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part.—*Sec. 1304, R. S.*

318. The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such purchase shall have been reported to the Paymaster General.—*Sec. 1299, R. S.*

319. No money shall be paid to any person for his compensation who is in arrears to the United States until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent, or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.—*Sec. 1766, R. S.*

320. The pay of officers of the Army may be withheld under section seventeen hundred and sixty-six of the Revised Statutes on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise, unless upon a special order issued according to the discretion of the Secretary of War.—*Act of July 16, 1892 (27 Stat., 177)*.

ENLISTED MEN.

321. Hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants, first class, Hospital Corps, fifty dollars; regimental sergeants major, regimental quartermaster sergeants, regimental commis-

sary sergeants, sergeants major, senior grade, Coast Artillery, battalion sergeants major of Engineers, post quartermaster sergeants, post commissary sergeants, post ordnance sergeants, battalion quartermaster sergeants of Engineers, electrician sergeants, first class; sergeants, first class, Signal Corps, and first sergeants, forty-five dollars; battalion sergeants major of Infantry and Field Artillery, squadron sergeants major, sergeants major, junior grade, Coast Artillery, battalion quartermaster sergeants, Field Artillery, and master gunners, forty dollars; electrician sergeants second class, sergeants of Engineers, Ordnance, and Signal Corps, quartermaster sergeants of Engineers, and color sergeants, thirty-six dollars; sergeants and quartermaster sergeants of Cavalry, Artillery, and Infantry, stable sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: *Provided*, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of Engineers, Ordnance, Signal Corps, and Hospital Corps, chief mechanics and mechanics, Coast Artillery, twenty-four dollars; corporals of Cavalry, Artillery, and Infantry, mechanics of Field Artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of Field Artillery shall receive nine dollars per month additional for performing the duty of horse-shoer; privates first class of Engineers, Ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of Infantry, Artillery, and Engineers, privates of Cavalry, Artillery, Infantry, Signal Corps, and privates second class, Engineers and Ordnance, fifteen dollars.—*Act of May 11, 1908 (35 Stat., 109)*.

322. Hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows: Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.—*Act of May 11, 1908 (35 Stat., 110)*.

323. One of the two "blacksmiths and farriers" now authorized by law for each troop of Cavalry shall hereafter be designated as "horseshoer" and receive the pay of a sergeant of Cavalry, and the other shall hereafter be designated as "farrier" and receive the pay of a corporal of Cavalry; and that one of the "mechanics" now authorized by law for each battery of Field Artillery shall hereafter be designated as "horseshoer" and receive the pay of a sergeant of Artillery.—*Act of Mar. 23, 1910 (36 Stat., 245)*.

324. The Secretary of War is also authorized to arrange for the payment of the enlisted men serving at posts or places where no paymaster is on duty by check or by currency, to be sent to them by mail or express, at the expense and risk of the United States.—*Act of Feb. 27, 1893 (27 Stat., 479)*.

325. Fraudulent enlistment and the receipt of any pay or allowance thereunder, is hereby declared a military offense and made punishable by a court-martial, under the sixty-second article of war.—*Act of July 27, 1892 (27 Stat., 278)*.

326. The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall render further arrears unavoidable.—*Sec. 1189, R. S.*

327. That the Secretary of War is authorized to appoint, on the recommendation of the Quartermaster General, as many post quartermaster sergeants, not to exceed one hundred and fifty, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army who have served at least four years, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters. Said post quartermaster sergeants shall, so far as practicable, perform the duties of storekeepers and clerks, in lieu of civilian employees. The post quartermaster sergeants shall be subject to the Rules and Articles of War and shall receive for their services the same pay and allowances as ordnance sergeants.—*Acts of July 5, 1884 (23 Stat., 109), July 8, 1898 (30 Stat., 728), and Act of Feb. 2, 1901 (31 Stat., 751).*

328. For pay of two hundred quartermaster sergeants at four hundred and eight dollars each.—*Act of Apr. 23, 1904 (33 Stat., 261) and subsequent appropriation acts.*

329. In time of war the pay proper of enlisted men shall be increased twenty per centum over and above the rates of pay as fixed by law.—*Act of Apr. 26, 1898 (30 Stat., 365).*

330. Hereafter the Secretary of War shall be authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruit depots and the United States military prison, and of the enlisted men so detached, and while performing such duty there shall be allowed for each depot and the prison one who shall have the rank, pay, and allowances of battalion or squadron sergeant major, and for each recruit and prison company one who shall have the rank, pay, and allowances of first sergeant, five the rank, pay, and allowances of sergeant, and six the rank, pay, and allowances of corporal, of the arm of the service to which they respectively belong.—*Act of June 12, 1906 (34 Stat., 242).*

ADDITIONAL PAY AND EXTRA DUTY PAY.

331. Extra-duty pay hereafter shall be at the rate of fifty cents per day for mechanics, artisans, school-teachers, and clerks at Army, division, and department headquarters, and thirty-five cents per day for other clerks, teamsters, laborers, and others.—*Act of July 5, 1884 (23 Stat., 110). (See par. 334.)*

332. A certificate of merit granted to an enlisted man for distinguished service shall entitle him, from the date of such service, to additional pay at the rate of two dollars per month while he is in the military service, although such service may not be continuous.—*Act of Feb. 9, 1891 (26 Stat., 737).*

333. Hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month; all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section.—*Act of May 11, 1908 (35 Stats., 110).*

334. When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not

less than ten days' duration, they shall receive, in addition to their regular pay, the following compensation: Fifty cents per day for mechanics, artisans, school-teachers, and clerks at Army, division, and department headquarters, and thirty-five cents per day for other clerks, teamsters, laborers, and others. This allowance of extra pay shall not apply to the troops of the Ordnance Department.—*Sec. 1287 R. S., as amended by act of July 5, 1884 (23 Stat., 110). See also act of Mar. 3, 1885 (23 Stat., 359).*

335. Mess sergeants shall receive six dollars per month in addition to their pay.—*Act of May 11, 1908 (35 Stat., 109).*

336. Hereafter enlisted men may be detailed to serve as stenographic reporters for general courts-martial, courts of inquiry, military commissions, and retiring boards, and while so serving shall receive extra pay at the rate of not exceeding five cents for each one hundred words taken in shorthand and transcribed, such extra pay to be met from the annual appropriation for expenses of courts-martial, and so forth.—*Act of Aug. 24, 1912 (37 Stat., 575).*

337. In war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty.—*Act of Apr. 26, 1898 (30 Stat., 365).*

338. Enlisted men receiving or entitled to the twenty per centum increased pay herein authorized shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty.—*Act of Mar. 2, 1901 (31 Stat., 903).*

339. For extra pay to enlisted men employed on extra duty as switchboard operators at each interior post of the Army.—(*See Annual appropriation acts.*)

340. Enlisted men of the line of the Army and of the Signal Corps, employed in the Territory of Alaska on the Alaskan cable and telegraph system, for periods of not less than ten days, at the rate of thirty-five cents per day.—*Act of May 11, 1908 (35 Stat., 114).*

341. Signal Service men shall not receive extra duty pay unless specially directed by the Secretary of War.—*Act of June 20, 1878 (20 Stat., 219).*

ALLOTMENTS OF PAY.

342. The Secretary of War is hereby authorized to permit enlisted men of the United States Army to make allotments of their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other purposes, during such time as they may be absent on distant duty, or under other circumstances warranting such action.—*Act of Mar. 2, 1899 (30 Stat., 981).*

343. Hereafter all allotments of pay of enlisted men of the United States Army, under section sixteen of act of Congress approved March second, eighteen hundred and ninety-nine, that have been or shall be paid to the designated allottees, after the expiration of one month subsequent to the month in which said allotments accrued, shall pass to the credit of the disbursing officer who has made or shall make such payment: *Provided*, That said disbursing officer shall, before making payment of said allotments, use, or shall have used, due diligence in obtaining and making use of all information that may have been received in the War Department relative to the grantors of the allotments: *And provided further*, That if an erroneous payment is made because of the failure of an officer responsible for such report to report, in the manner prescribed by the Secretary of War, the death of a grantor or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Pay-

master General from the officer who fails to make such report, if such collection is practicable.—*Act of Mar. 2, 1901 (31 Stat., 896).*

ALTERATION OF CLOTHING.

344. It shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests, and overalls or breeches which may from time to time be issued to and for his regiment to be altered and new-made, so as to better to fit them to the persons, respectively, for whose use they shall be delivered; and for defraying the expense of such alterations to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding twenty-five cents for each coat, eight cents for each vest and for each pair of overalls or breeches.—*Sec. 1220, R. S.*

345. Hereafter the regimental price fixed for altering and fitting soldiers' clothing shall not exceed the cost of making the same at the clothing depots.—*Act of Mar. 2, 1889 (25 Stat., 831).*

ASSIGNMENTS OF PAY.

346. No assignment of pay by a noncommissioned officer or private, previous to his discharge, shall be valid.—*Sec. 1291, R. S.*

BOUNTY FOR REENLISTMENT.

347. Sec. 2. That for the purpose of utilizing as an auxiliary to the Army reserve hereinafter provided for the services of men who have had experience and training in the Regular Army, in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation any person who shall have been discharged honorably from said Army, with character reported as at least good, and who having been found physically qualified for the duties of a soldier, if not over forty-five years of age, shall reenlist in the line of said Army or in the Signal or Hospital Corps thereof within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of eight dollars for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of six dollars per month for the second year of such period; at the rate of four dollars per month for the third year of such period; and at the rate of two dollars per month for any subsequent year of such period, but no bounty in excess of three hundred dollars shall be paid to any person under the terms of this act.—*Act of Aug. 24, 1912 (37 Stat., 590).*

CLOTHING ALLOWANCE.

348. The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service.—*Sec. 1302, R. S.*

349. Clothing balances accumulating to the soldier's credit under section thirteen hundred and two shall, when payable to him upon his discharge, be paid out of the appropriation for "Pay of the Army" for the then current fiscal year.—*Act of June 12, 1906 (34 Stat., 246).*

350. The Secretary of War may, on the recommendation of the Surgeon General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion.—*Sec. 1298, R. S.*

351. Sergeants of ordnance shall receive the same allowance of clothing as other sergeants in like staff departments.—*Act of July 16, 1892 (27 Stat., 178).*

352. The President may prescribe the uniform of the Army and quantity and kind of clothing which shall be issued annually to the troops of the United States.—*Sec. 1296, R. S.*

353. For a suit of citizen's outer clothing, to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge.—*Annual appropriation acts.*

354. For indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April twenty-second, eighteen hundred and ninety-eight, by order of medical officers of the Army for sanitary reasons.—*Act of Aug. 24, 1912 (37 Stat., 585).*

355. For a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge.—*Annual appropriation acts.*

DEPOSITS MADE BY ENLISTED MEN.

356. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any Army paymaster, who shall furnish him a deposit book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The amount so deposited shall be accounted for in the same manner as other public funds, and shall be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man on discharge from the service shall be made out of the fund created by said deposits, and shall not be subject to forfeiture by sentence of courts-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposits be exempt from liability for such soldiers' debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.—*Sec. 1305, R. S., as amended by act of June 12, 1906 (34 Stat., 246).*

357. For any sums not less than five dollars so deposited for the period of six months or longer, the soldier, on his final discharge, shall be paid interest at the rate of four per centum per annum.—*Sec. 1306, R. S.*

358. The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War.—*Sec. 1307, R. S.*

FOREIGN SERVICE.

359. That hereafter in computing the length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, Cuba, the Philippine Islands, the island of Guam, Alaska, and Panama; but double credit shall not

be given for service hereafter rendered in Porto Rico or the Territory of Hawaii.—*Act of Apr. 23, 1904 (33 Stat., 264).*

360. In computing length of service for retirement credit for double time for foreign service shall not be given to those who hereafter enlist: *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued.—*Act of Aug. 24, 1912 (37 Stat., 575).*

361. Increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law.—*Act of May 11, 1908 (35 Stat., 110).*

INCREASE IN TERM OF SERVICE.

362. And that on and after November first, nineteen hundred and twelve, all enlistments in the Regular Army shall be for the term of seven years, the first four years in the service with the organizations of which those enlisting shall form a part, and, except as otherwise provided herein, the last three years on furlough and attached to the Army Reserve hereinafter provided for: *Provided*, That at the expiration of four years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That any enlisted man, at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, upon his written application, may be furloughed and transferred to the Army Reserve, in the discretion of the Secretary of War, in which event he shall not be entitled to reenlist in the service until the expiration of his term of seven years: *Provided further*, That for all enlistments hereafter accomplished under the provisions of this act, four years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That hereafter the Army Reserve shall consist of all enlisted men, who, after having served not less than four years with the organizations of which they form a part, shall receive furloughs without pay or allowances until the expiration of their terms of enlistment, together with transportation in kind and subsistence as provided for by this act in the case of discharged soldiers, but when any soldier is furloughed to the reserve his accounts shall be closed and he shall be paid in full to the date such furlough becomes effective: *Provided further*, That any enlisted man, subject to good conduct and physical fitness for duty, upon his written application to that effect, shall have the right of remaining with the organization to which he belongs until the completion of his whole enlistment without passing into the reserve: *Provided further*, That except upon reenlistment after four years' service or as now otherwise provided for by law, no enlisted man shall receive a final discharge until the expiration of his seven-year term of enlistment, including his term of service in the Army Reserve, but any such enlisted man may be reenlisted for a further term of seven years under the same conditions in the Army at large, or, in the discretion of the Secretary of War, for a term of three years in the Army Reserve; and any person who may have been discharged honorably from the Regular Army, with character reported as at least good, and who has been found physically qualified for the duties of a soldier, if not over forty-five years of age, may be enlisted in the Army Reserve for a similar term of three years: *And provided further*, That in the event of actual or threatened hostilities the President, when so authorized by Congress, may summon all furloughed soldiers who belong to the Army Reserve to rejoin their respective organizations, and during the continuance of their service with such organizations they shall receive the pay and allowances authorized by law for soldiers serving therein, and any enlisted man who shall have reenlisted in the Army Reserve

shall receive during such service the additional pay now provided by law for the soldiers of his arm of the service in their second enlistment period. Upon reporting for duty, and being found physically fit for service, they shall receive a sum equal to five dollars per month for each month during which they shall have belonged to the reserve, as well as the actual cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons.—*Act Aug. 24, 1912 (37 Stat., 590).*

ABSENCE WITHOUT LEAVE.

363. Hereafter * * * an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act.—*Act of May 11, 1908 (35 Stat., 109).*

364. That an enlistment shall not be regarded as complete until the soldier shall have made good any time in excess of one day lost by unauthorized absences, or on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct, or while in confinement awaiting trial or disposition of his case if the trial results in conviction, or while in confinement under sentence.—*Act of Apr. 27, 1914. (See also annual appropriation acts of 1913 and 1914.)*

PRIZES FOR COOKS AND BAKERS.

365. For providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed nine hundred dollars per annum.—*Act of Mar. 2, 1907 (34 Stat., 1166).*

RATIONS, ISSUE OF, TO THE ARMY.

366. That the President be, and he is hereby, authorized to prescribe the kinds and quantities of the component articles of the Army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require.—*Act of Feb. 2, 1901 (31 Stat., 758).*

367. The officers of the Medical Department of the Army shall unite with the officers of the line (under such rules and regulations as shall be prescribed by the Secretary of War) in superintending the cooking done by the enlisted men; and the Surgeon General shall promulgate to the officers of said corps such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier.—*Sec. 1174, R. S.*

368. The line officers of the Army shall superintend the cooking done for the enlisted men.—*Sec. 1234, R. S.*

369. That no alcoholic liquors, beer, or wine, shall be sold or supplied to the enlisted men in any canteen, or post trader's store, or in any room or building at any garrison or military post, in any State or Territory in which the sale of alcoholic liquors, beer, or wine is prohibited by law.—*Act of June 13, 1890 (26 Stat., 154).*

370. The officers of the Subsistence Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in cooperation with the land troops, and during the time such

detachment is so acting or proceeding to act, furnish rations to the officers, seamen, and marines of the same.—*Sec. 1143, R. S.*

371. The Secretary of War may commute the ration of coffee and sugar for the extract of coffee combined with milk and sugar, if he shall believe such commutation to be conducive to the health and comfort of the Army, and not to be more expensive to the Government than the present ration; provided the same shall be acceptable to the men.—*Sec. 1147, R. S.*

372. For each ration of sugar and coffee not issued, nor commuted for the extract of coffee combined with milk and sugar, enlisted men shall be paid in money.—*Sec. 1294, R. S.*

373. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations, and a special account of these issues shall be kept and rendered.—*Sec. 2110, R. S.*

374. Hereafter the emergency ration prescribed for use on emergent occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War.—*Act of Mar. 2, 1907 (34 Stat., 1165).*

375. Hereafter no enlisted man shall be entitled to receive more than one ration daily.—*Act of July 16, 1892 (27 Stat., 178).*

RATIONS, SALE OF, TO OFFICERS AND ENLISTED MEN.

376. That hereafter all sales of subsistence supplies to officers and enlisted men shall be made at cost price only; and the cost price of each article shall be understood, in all cases of such sales, to be the invoice price of the last lot of that article received by the officer making the sale prior to the first day of the month in which the sale is made.—*Act of July 5, 1884 (23 Stat., 108).*

377. The officers of the Subsistence Department shall procure and keep for sale to officers and enlisted men at cost prices, for cash or on credit, such articles as may from time to time be designated by the inspectors general of the Army. An account of all sales on credit shall be kept, and the amounts due for the same shall be reported monthly to the Paymaster General.—*Sec. 1144, R. S.*

378. The amount due from any enlisted man for articles designated by the inspectors general of the Army, and sold to him on credit by commissaries of subsistence, shall be deducted from the payment made to him next after such sale shall have been reported to the Paymaster General.—*Sec. 1300, R. S.*

379. Commissioned officers of the Army, serving in the field, may purchase rations for their own use, from any commissary of subsistence, on credit, at cost prices; and the amounts due for such purchases shall be reported monthly to the Paymaster General.—*Sec. 1145, R. S.*

380. The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such purchase shall have been reported to the Paymaster General.—*Sec. 1299, R. S.*

331. So much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence stores for sale to officers for the use of themselves and their families and to commanders of companies or other organizations, for the use of the enlisted men of their companies or organizations, and the proceeds of all sales of subsistence supplies shall hereafter be exempt from being covered into the Treasury and shall be immediately available for the purchase of fresh supplies.—*Act of Mar. 3, 1875 (18 Stat., 410).*

332. That the officers and the enlisted men of the Navy and the Marine Corps shall be permitted to purchase subsistence supplies at the same price as is charged the officers and the enlisted men of the Army; and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps.—*Act of Apr. 27, 1914.*

REENLISTMENT AND CONTINUOUS-SERVICE PAY.

333. Hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars, an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act: * * * ; *And provided further*, That hereafter any private soldier, musician, or trumpeter honorably discharged at the termination of his first enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.—*Act of May 11, 1908 (35 Stat., 109), amending sec. 1282 and 1284, R. S.*

334. All enlisted men of the Regular Army who served as commissioned officers of United States Volunteers organized in eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, or who have served or may be now serving as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time

necessary to enable them to retire, as enlisted men.—*Act of Mar. 2, 1903 (32 Stat., 934)*.

385. All enlisted men of the Regular Army who have been appointed commissioned officers of the Philippine Scouts subsequent to March second, nineteen hundred and three, or who may hereafter be so appointed, and who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time necessary to enable them to retire, as enlisted men.—*Act of June 12, 1906 (34 Stat., 248)*.

REMOUNT DETACHMENTS.

386. Hereafter from the enlisted force of the Army now provided by law, the President may authorize the organization of remount detachments at each of the remount depots, and may authorize the appointment therein of such noncommissioned officers, mechanics, artificers, farriers, horseshoers, and cooks as may be necessary for the administration of such remount depots: *Provided*, That nothing herein shall be so construed as to authorize an increase in the total number of enlisted men of the Army now authorized by law.—*Act of Mar. 3, 1911 (36 Stat., 1049)*.

RETIRED ENLISTED MEN.

387. When an enlisted man shall have served thirty years either in the Army, Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list, with seventy-five per cent of the pay and allowances he may then be in receipt of, and that said allowances shall be as follows: Nine dollars and fifty cents per month in lieu of rations and clothing and six dollars and twenty-five cents per month in lieu of quarters, fuel, and light: *Provided*, That in computing the necessary thirty years' time all service in the Army, Navy, and Marine Corps shall be credited.—*Act of Mar. 2, 1907 (34 Stat., 1217)*.

388. Hereafter a monthly allowance of nine dollars and fifty cents shall be granted in lieu of the allowance for subsistence and clothing.—*Act of Mar. 16, 1896 (29 Stat., 62)*.

389. Hereafter in computing the length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, Cuba, the Philippine Islands, the island of Guam, Alaska, and Panama; but double credit shall not be given for service hereafter rendered in Porto Rico or the Territory of Hawaii.—*Act of Apr. 23, 1904 (33 Stat., 264)*.

TRAVEL PAY ON DISCHARGE.

390. Hereafter when an enlisted man is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of enlistment, or, in lieu of such transportation and subsistence, he shall, if he so elects, receive two cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment.—*Act of Aug. 24, 1912 (37 Stat., 576)*.

CHAPLAINS.

391. Hereafter the President may, from time to time, select from among the chaplains of the Army any chaplains having not less than ten years' service, in the grade of captain, who shall have been commended as worthy of special distinction for exceptional efficiency by the regimental or district commanders with whose commands they may be serving as chaplains, approved through regular military channels, and may, with the advice and consent of the Senate, promote such regimental or artillery chaplains to be chaplains with the grade, pay, and allowances of major; every such promotion being made with a view to active service until the statutory age for the compulsory relinquishment thereof, except in cases of physical disability incurred in the line of duty: *Provided*, That the total number in active service so promoted shall not at any time exceed fifteen, and that the remaining chaplains shall have the grade, pay, and allowances of captain, mounted, after they shall have completed seven years of service: *And provided further*, That all persons who may hereafter be appointed as chaplains shall have the grade, pay, and allowances of first lieutenant, mounted, until they shall have completed seven years of service.—*Act of Apr. 21, 1904 (33 Stat., 226)*.

392. In addition to the chaplains now authorized for the Artillery Corps the President is authorized to appoint, by and with the advice and consent of the Senate, and subject to the laws governing appointment of chaplains in the Army, one chaplain for each regiment of Field Artillery and two for the Coast Artillery, with the rank, pay, and allowances now authorized by law for chaplains in the Army.—*Act of Jan. 25, 1907 (34 Stat., 864)*.

393. When serving in the field, chaplains shall be furnished with necessary means of transportation by the Quartermaster's Department.—*Act of Feb. 2, 1901 (31 Stat., 750)*.

COMPUTER, ARTILLERY BOARD.

394. For pay of one computer for Artillery board, two thousand five hundred dollars.—*Annual appropriation acts*.

CONTRACT SURGEONS—DENTAL SURGEONS.

395. In emergencies the Surgeon General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed one hundred and fifty dollars per month.—*Act of Feb. 2, 1901 (31 Stat., 752)*.

396. The pay and allowances of dental surgeons shall be those of first lieutenants, including the right to retirement on account of age or disability, as in the case of other officers.—*Act of Mar. 3, 1911 (36 Stat., 1054)*.

397. The time served by dental surgeons as acting dental or contract dental surgeons shall be reckoned in computing the increased service pay of such as are commissioned under this act.—*Act of Mar. 3, 1911 (36 Stat., 1055)*.

398. Hereafter contract surgeons and contract dental surgeons on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army.—*Act of Apr. 23, 1904 (33 Stat., 266)*.

399. For commutation of quarters to commissioned officers, acting dental surgeons, veterinarians and pay clerks on duty without troops at stations where there are no public quarters.—*Act of Mar. 2, 1913 (37 Stat., 709)*.

400. Mileage is payable to contract surgeons under the same laws and regulations as to officers of the Army.—*Act of June 12, 1906 (34 Stat., 246)*.

EXPERT ACCOUNTANT, INSPECTOR GENERAL'S OFFICE.

401. For pay of one expert accountant for the Inspector General's Department, to be appointed in case of vacancy, by the Secretary of War, two thousand five hundred dollars.—*Act of Feb. 24, 1891 (26 Stat., 773)*.

INDIAN SCOUTS.

402. The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.—*Sec. 1112, R. S.*

403. A proportionate number of noncommissioned officers may be appointed. And the scouts, when they furnish their own horses and horse equipment, shall be entitled to receive forty cents per day for their use and risk so long as thus employed.—*Act of Aug. 12, 1876 (19 Stat., 131)*.

NOTE.—Indian scouts are a part of the Army. They are on the same status as to continuous-service pay and travel pay as are other enlisted men.

MEDICAL RESERVE CORPS.

404. Any officer of the Medical Reserve Corps who shall have reached the age of seventy years, and whose total active service in the Army of the United States, Regular or Volunteer, as such officer, and as contract or acting assistant surgeon, and as an enlisted man, shall equal forty years, may thereupon, in the discretion of the President, be placed upon the retired list of the Army with the rank, pay, and allowances of a first lieutenant.—*Act of Mar. 4, 1911 (36 Stat., 1348)*.

405. No officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay.—*Act of Apr. 23, 1908 (35 Stat., 69)*.

406. Officers of the Medical Reserve Corps when called upon active duty in the service of the United States, as provided in section eight of this act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty.—*Act of Apr. 23, 1908 (35 Stat., 68)*.

MILITARY ACADEMY.

CADETS.

407. The pay of cadets at the Military Academy shall hereafter be six hundred dollars a year.—*Act of May 11, 1908 (35 Stat., 108)*.

408. Hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army.—*Act of Aug. 24, 1912 (37 Stat., 594)*.

409. Hereafter a graduate of the Military Academy shall receive mileage as authorized by law for officers of the Army from his home to the station which he first joins for duty.—*Act of Aug. 9, 1912 (37 Stat., 252)*.

410. That hereafter the actual and necessary traveling expenses of candidates while proceeding from their homes to the Military Academy for qualification as cadets shall, if admitted, be credited to their accounts and paid after admission from the appropriation for the transportation of the Army and its supplies.—*Act of June 28, 1902 (32 Stat., 409)*.

411. Hereafter cadets shall be entitled to rations, or commutation therefor, as hitherto allowed under the act approved June twenty-eighth, nineteen hundred and two.—*Act of May 28, 1908 (35 Stat., 430)*.

NONCOMMISSIONED OFFICERS AND ENLISTED MEN.

412. The noncommissioned officer in charge of mechanics and other labor at the Military Academy, the soldier acting as clerk in the adjutant's office, and the four enlisted men in the philosophical and chemical departments and lithographic office shall receive fifty dollars a year additional pay.—*Sec. 1341, R. S.*

413. Hereafter the pay and allowances of the acting first sergeant of the United States Military Academy detachment of engineers shall be the same as the pay and allowances of a first sergeant of a company of engineers: *And provided further*, That when an acting first sergeant of the detachment of engineers may hereafter be retired his retired pay and allowances shall be the same as the pay and allowances of a retired first sergeant of a company of engineers.—*Act of Mar. 3, 1911 (36 Stat., 1019)*.

414. Hereafter there shall be maintained at the United States Military Academy an engineer detachment, which shall consist of one first sergeant, one quartermaster sergeant, eight sergeants, ten corporals, two cooks, two musicians, thirty-eight first-class privates, and thirty-eight second-class privates. * * * That the enlisted men of said detachment shall receive the same pay and allowances as are now or may be hereafter authorized for corresponding grades in the battalions of engineers.—*Act of Aug. 9, 1912 (37 Stat., 254)*.

415. The extra-duty pay provided by the preceding paragraphs shall not be paid to any enlisted man who received extra-duty pay under existing laws or Army regulations.—*Annual appropriation acts*.

416. Hereafter the monthly pay during the first enlistment of enlisted men of the band and field musicians of the United States Military Academy shall be as hereinbefore stated, and the continuous-service pay of all grades shall be the same as provided in the act approved May eleventh, nineteen hundred and eight, entitled "An act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine": *Provided*, That the band or members thereof and the field musicians of the Military Academy shall not receive remuneration for furnishing music outside the limits of the military reservation when the furnishing of such music places them in competition with local civilian musicians.—*Act of May 28, 1908 (35 Stat., 431)*.

OFFICERS.

417. The duties of chaplain at the Military Academy shall hereafter be performed by a clergyman to be appointed by the President for a term of four years, and the said chaplain shall be eligible for reappointment for an additional term or terms, and shall, while so serving, receive the same pay and allowances as are now allowed to a captain mounted.—*Act of Feb. 18, 1896 (29 Stat., 8)*.

418. That any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July first, nineteen hundred and fourteen, should have served not less than thirty-three years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel in the Army.— *Act of Aug. 9, 1912 (37 Stat., 264)*.

419. The Secretary of War is hereby directed to detail a competent officer to act as quartermaster and commissary for the battalion of cadets, by whom all purchases and issues of supplies of all kinds for the cadets, and all provisions for the mess, shall be made, and that all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost, without any commission or advance over said cost; and such officer so assigned shall perform all the duties of purveying and supervision for the mess as now done by the purveyor, without other compensation.— *Act of Aug. 7, 1876 (19 Stat., 126)*.

420. So much of the act approved March third, nineteen hundred and eleven, making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and twelve, as provided that the increase of salary of the constructing quartermaster should only apply during the term the office was held by the then incumbent is hereby repealed, and the additional pay thus provided is available for the present incumbent from the date he entered upon his duties.— *Act of Aug. 9, 1912 (37 Stat., 252)*.

421. The superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant colonel.— *Sec. 1334, R. S.*

422. Each of the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel and all other professors shall have the pay and allowances of lieutenant colonels.— *Sec. 1336, R. S.*

423. The instructor of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major.— *Sec. 1336, R. S.*

424. The Secretary of War shall assign an officer of the Army to the Military Academy as associate professor of modern languages and that such officer while so serving shall receive the pay and allowances of a major.— *Act of Mar. 3, 1903 (32 Stat., 1012)*.

425. The associate professor of mathematics shall have the pay and allowances of a major.— *Act of Mar. 3, 1905 (33 Stat., 850)*.

426. Each assistant professor and each senior assistant instructor of Cavalry, Artillery, and Infantry tactics and the instructor of practical military engineering shall receive the pay of a captain.— *Sec. 1337, R. S.*

427. The master of the sword shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a captain mounted.— *Act of Mar. 3, 1905 (33 Stat., 850)*.

428. The teacher of music shall receive the pay of a second lieutenant not mounted * * * and shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are or may hereafter become applicable to other officers * * * of the Army.— *Act of Mar. 3, 1905 (33 Stat., 853)*.

439. For pay of treasurer and quartermaster and commissary of cadets, in addition to pay as captain, six hundred dollars.—*Annual appropriation act.*

440. For pay of one line officer on duty in Quartermaster's Department at Academy, in addition to pay as first lieutenant, four hundred dollars.—*Act of Mar. 4, 1913 (37 Stat., 357).*

LEAVE OF ABSENCE.

431. Leave of absence may be granted by the superintendent (of the Military Academy), under regulations prescribed by the Secretary of War, to the professors, assistant professors, instructors, and other officers of the academy for the entire period of the suspension of the ordinary academic studies, without deduction from pay or allowances.—*Sec. 1330, R. S.*

433. Hereafter the Secretary of War may grant the superintendent of the academy leave of absence without deduction from pay or allowances for the same period that the superintendent may grant leave of absence to other officers of the academy under the provisions of section thirteen hundred and thirty of the Revised Statutes.—*Act of Aug. 9, 1912 (37 Stat., 263).*

438. The provisions of section thirteen hundred and thirty, Revised Statutes, authorizing leaves of absence to certain officers of the Military Academy during the period of the suspension of the ordinary academic studies, without deduction from pay and allowances, be, and are hereby, extended to include officers on duty exclusively as instructors at the service schools on approval of the officers in charge of said schools.—*Act of Mar. 23, 1910 (36 Stat., 244).*

MILITIA.

APPROPRIATIONS.

434. The annual sum of two hundred thousand dollars is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by and on account of the United States.—*Sec. 1661, R. S.*

(Amended by—)

435. The sum of two million dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia, such appropriation to remain available until expended.—*Act of June 22, 1906 (34 Stat., 449).*

436. The permanent annual appropriation made by the act of April twenty-third, eighteen hundred and eight, designated as section sixteen hundred and sixty-one of the Revised Statutes, and which was increased to four hundred thousand dollars by the act of February twelfth, eighteen hundred and eighty-seven, being for the procurement of ordnance and ordnance stores and quartermaster stores and camp equipage for the use of the militia of the country, shall not lapse with the end of any fiscal year nor be turned into the surplus fund, but shall remain a permanent appropriation and be available for the several States and Territories and District of Columbia until expended as provided in said acts or otherwise disposed of by Congress.—*Act of Aug. 18, 1894 (28 Stat., 406).*

437. The sum expended in the execution of the purchases and issues of United States service arms, with accessories, ammunition, accoutrements, equipments, uni-

forms, clothing, equipage, and military stores of all kinds, etc., as are necessary to arm, uniform, and equip the organized militia provided for in this section shall not exceed the sum of two million dollars in any fiscal year.—*Act of May 27, 1908 (35 Stat., 402)*.

436. That no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the Organized Militia of any State, Territory, or District of Columbia while engaged in joint encampment maneuvers and field instruction of the Regular Army and militia, as provided by section fifteen of the act of January twenty-first, nineteen hundred and three, entitled "An act to promote the efficiency of the militia, and for other purposes."—*Act of Mar. 2, 1905 (33 Stat., 837)*.

439. Said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State, respectively, is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe.—*Act of June 22, 1906 (34 Stat., 449)*.

DISTRICT OF COLUMBIA.

440. There may be paid to all commissioned officers (without discrimination, and in lieu of the limited pay authorized by this section) an allowance to be used by them in the purchase and maintenance of clothing and equipment.—*Act of Mar. 2, 1911 (36 Stat., 1004)*.

441. ~~Whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, insurrection, breach of the peace, or whenever called in aid of the civil authorities, all enlisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Each mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him: Provided, That when the National Guard of the District of Columbia is called into the actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.—Sec. 53, act of Feb. 18, 1909 (35 Stat., 634).~~

442. During the annual encampment, and on every duty on parade ordered by the commanding general, there shall be allowed and paid for each day of service: To each member of the regularly enlisted bands, four dollars; to the chief musicians, eight dollars; and to the principal musicians, six dollars. In event there is no enlisted band or field music, or not a sufficient number of either, the commanding general may authorize the employment of such as he may deem necessary for the occasion: *Provided*, That the total pay of enlisted musicians shall not in any event exceed the rates authorized by this section.—*Act of Feb. 18, 1909 (35 Stat., 635)*.

443. Every organization of the National Guard (District of Columbia) shall be provided with such ordnance and ordnance stores, clothing, camp and garrison equipage, quartermaster's stores, medical supplies, and other military stores as may be necessary for the proper training and instruction of the force and for the proper performance of the duties required under this act. Such property shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War.—*Act of Mar. 1, 1889 (25 Stat., 776)*.

444. That during the annual encampment, or when ordered on duty to aid the civil authorities, the National Guard (District of Columbia) shall be furnished with subsistence stores of the kind, quality, and amount allowed and prescribed by the Army. Such stores shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War, to the commanding general upon his requisitions for the same.—*Act of Mar. 1, 1889* (25 Stat., 780)³

EXPENSES OF ENROLLMENT.

445. The expenses incurred by marching the militia of any State or Territory to their places of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such places of rendezvous.—*Sec. 1654, R. S.*

ISSUE OF SUPPLIES.

446. The Secretary of War is hereby authorized to procure, by purchase or manufacture, and issue from time to time to the Organized Militia, under such regulations as he may prescribe, such number of the United States service arms, together with all accessories and such other accouterments, equipments, uniforms, clothing, equipage, and military stores of all kinds required for the Army of the United States, as are necessary to arm, uniform, and equip all of the Organized Militia in the several States, Territories, and the District of Columbia, in accordance with the requirements of this act, without charging the cost or value thereof, or any expense connected therewith, against the allotment of said State, Territory, or the District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition or parts thereof suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms heretofore issued to said State, Territory, or the District of Columbia by the United States: *Provided*, That said property shall remain the property of the United States, except as hereinafter provided, and be annually accounted for by the governors of the States and Territories as required by law, and that each State, Territory, and the District of Columbia shall, on receipt of new arms or equipments, turn in to the War Department, or otherwise dispose of in accordance with the directions of the Secretary of War, without receiving any money credit therefor and without expense for transportation, all United States property so replaced or condemned. When the Organized Militia is uniformed as above required, the Secretary of War is authorized to fix an annual clothing allowance to each State, Territory, and the District of Columbia for each enlisted man of the Organized Militia thereof, and thereafter issues of clothing to such States, Territories, and the District of Columbia shall be in accordance with such allowance, and the governors of the States and Territories and the commanding general of the militia of the District of Columbia shall be authorized to drop from their returns each year as expended clothing corresponding in value to such allowance. The Secretary of War is hereby further authorized to issue from time to time to the Organized Militia, under such regulations as he may prescribe, small arms and artillery ammunition upon the requisition of the governor, in the proportion of fifty per centum of the corresponding Regular Army allowance, without charge to the State's allotment from the appropriation under section sixteen hundred and sixty-one, Revised Statutes, as amended. To provide means to carry into effect the provisions of this section, the

necessary money to cover the cost of procuring, exchanging, or issuing of arms, accouterments, equipments, uniforms, clothing, equipage, ammunition, and military stores to be exchanged or issued hereunder is hereby appropriated out of any money in the Treasury not otherwise appropriated.—*Act of May 27, 1908 (35 Stat., 401)*.

11.

PAY, ALLOWANCES, ETC.

447. *Sec. 10.* The militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.—*Act of Jan. 21, 1903 (32 Stat., 776)*.

448. *Sec. 11.* When the militia is called into the actual service of the United States, or any portion of the militia is called forth under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such place of rendezvous.—*Act of May 27, 1908 (35 Stat., 401)*.

449. Hereafter when any portion of the Organized Militia of any State, Territory, or the District of Columbia participates in the encampment, maneuvers, and field instruction of any part of the Regular Army, under the provisions of section fifteen of the act of January twenty-first, nineteen hundred and three, they may, after being duly mustered by an officer of the Regular Army, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive, and such payment, if otherwise correct, shall pass to the credit of the paymaster (quartermaster) making the same.—*Act of June 12, 1906 (34 Stat., 249)*.

450. *Sec. 14.* Whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the Organized Militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section sixteen hundred and sixty-one of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said Organized Militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement.—*Act of Jan. 21, 1903 (32 Stat., 777)*.

451. Hereafter all payments to the militia under the provision of section fifteen of the act of Congress approved January twenty-first, nineteen hundred and three, * * * shall be made solely from the sums appropriated for such purpose.—*Act of Apr. 23, 1904 (33 Stat., 267)*.

452. The Secretary of War is authorized to provide for participation by any part of the Organized Militia of any State, Territory, or the District of Columbia, on the request of a governor of a State or Territory, or the commanding general of the militia of the District of Columbia, in the encampments, maneuvers, and field instruction of any part of the Regular Army, at or near any military post or camp or lake or sea-coast defenses of the United States. In such case the Organized Militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, and no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the Organized Militia of any State or Territory or the District of Columbia while engaged in joint encampments, maneuvers, and field instruction of the Regular Army and militia: *Provided*, That the Secretary of War is authorized, under requisition of the governor of a State or Territory or the commanding general of the militia of the District of Columbia to pay to the Quartermaster General, or such other officer of the militia as may be duly designated and appointed for the purpose, so much of its allotment, under the annual appropriation authorized by section sixteen hundred and sixty-one, Revised Statutes, as amended, as shall be necessary for the payment, subsistence, transportation, and other expenses of such portion of the Organized Militia as may engage in encampments, maneuvers, and field instruction with any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States.—*Act of Jan. 21, 1903 (32 Stat., 777), as amended by act of Apr. 21, 1910 (36 Stat., 329).*

453. Whenever any officer or enlisted man of the Organized Militia shall, upon the recommendation of the governor of any State, Territory, or the commanding general of the District of Columbia Militia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the Army the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation and subsistence at the rate of one dollar per day and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction.—*Act of May 27, 1908 (35 Stat., 402).*

454. Officers of the Organized Militia who may hereafter be furnished, under proper authority, with funds for the purchase of coffee or other components of the travel ration for the use of their respective commands, shall not be required to furnish bonds for the safe-keeping and disbursement of the same.—*Act of May 11, 1908 (35 Stat., 117).*

SALE OF SUPPLIES.

455. The purchase or manufacture of arms, ordnance stores, quartermaster stores, and camp equipage for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster stores, and camp equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States.—*Act of June 22, 1906 (34 Stat., 450).*

456. Hereafter whenever articles of Government property are sold for cash to any State, Territory, or to the District of Columbia, for the use of the Organized Militia, thereby ceasing to be the property of the United States, none of the articles so sold shall be received back by any department of the Government upon the basis of allowing any credit therefor, except when such articles form part of the equipment of troops mustered into the service of the United States in time of war. *A—ct of June 23, 1910 (36 Stat., 603).*

457. For the purpose of furnishing the necessary articles requisite to fully arm, equip, and supply each regiment, battalion, squadron, company, troop, battery, signal, engineer, and hospital corps and medical department of the Organized Militia of the several States, Territories, and the District of Columbia with the same armament and equipment as are now prescribed for corresponding branches of the line or staff in the Regular Army, without cost to said States, Territories, or the District of Columbia, but to remain the property of the United States, and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories, or the commanding general of the militia of the District of Columbia, to issue the said armament and equipment to the Organized Militia; and the sum of two million dollars is hereby appropriated and made immediately available until expended for the procurement and issue of the articles constituting the same. — *Act of Mar. 2, 1903 (32 Stat., 942).*

NAVAL AND MARINE DETACHMENTS.

458. The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in cooperation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp equipage, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage. — *Sec. 1135, R. S.*

NURSE CORPS (FEMALE).

459. *Sec. 19.* The Nurse Corps (female) shall consist of one superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be one thousand eight hundred dollars per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses, and of reserve nurses, when on active service, shall be forty dollars per month when on duty in the United States and fifty dollars per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year; and,

when serving as chief nurses, their pay may be increased by authority of the Secretary of War, such increase not to exceed twenty-five dollars per month. Payments to the Nurse Corps shall be made by the Pay Department.—*Act Feb. 2, 1901 (31 Stat., 753)*.

(Amended by—)

460. The superintendent and members of the female Nurse Corps shall hereafter be paid at the following rates: Superintendent Nurse Corps, one thousand eight hundred dollars per annum; female nurses, fifty dollars per month for the first period of three years' service; fifty-five dollars per month for the second period of three years' service; sixty dollars per month for the third period of three years' service; and sixty-five dollars per month after nine years' service in said Nurse Corps; and all female nurses shall hereafter be entitled, in addition to the rates of pay as herein provided, to ten dollars per month when serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto (excepting Porto Rico and Hawaii), and to cumulative leave of absence with pay at the rate of thirty days for each calendar year of service in said corps; and when serving as chief nurses their pay may be increased by authority of the Secretary of War, such increase not to exceed thirty dollars per month; and the superintendent shall be entitled to the same allowances, when on duty, as the members of the Nurse Corps.—*Act Mar. 23, 1910 (36 Stat., 249)*.

461. * * * Hospital matrons, and the nurses employed in post or regimental hospitals, shall be entitled to receive one ration daily.—*Sec. 1295, R. S.*

462. Hospital matrons in post or regimental hospitals shall receive ten dollars a month, and female nurses in general hospitals shall receive forty cents a day. One ration in kind or by commutation shall be allowed to each.—*Sec. 1277, R. S.*

463. The superintendent of the Nurse Corps shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War.—*Annual appropriation acts.*

NURSES—MALE AND FEMALE.

464. For the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1054)*.

OFFICE, CHIEF OF STAFF.

465. For pay to clerks, messengers, and laborers at headquarters of divisions, departments, posts commanded by general officers, and Office of the Chief of Staff.—*Annual appropriation acts.*

PAY CLERKS.

466. Paymasters and additional paymasters shall be allowed a capable noncommissioned officer or private as clerk. When suitable noncommissioned officers or privates can not be procured from the line of the Army, they are authorized, by and with the approbation of the Secretary of War, to employ citizens as clerks, at a salary of fourteen hundred dollars a year.—*Sec. 1190, R. S.*

467. The Secretary of War may hereafter authorize the assignment to duty in the Office of the Paymaster General not to exceed five paymasters' clerks now authorized by law.—*Act of March 2, 1905 (33 Stat., 835)*.

468. Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: *Provided*, That Army paymasters' clerks shall be subject to the rules and articles of war.—*Act of Mar. 3, 1911 (36 Stat., 1044)*.

469. Army paymasters' clerks shall (hereafter) be known as pay clerks, and each * * * shall continue to have the pay, allowances, rights, and privileges now allowed him by law.—*Act of Aug. 24, 1912 (37 Stat., 592)*.

470. Hereafter no further appointments of pay clerks shall be made.—*Act of Mar. 2, 1913 (37 Stat., 708)*.

471. Hereafter Army paymasters' clerks and the expert accountant, Inspector General's Department, shall receive mileage at the same rates and under the same conditions as is provided by law for officers of the Army: *Provided further*, That hereafter the age limit for the retirement of Army paymasters' clerks shall be the same as the age limit for the retirement of commissioned officers of the Army.—*Act of Aug. 24, 1912 (37 Stat., 575)*.

472. For commutation of quarters to commissioned officers, acting dental surgeons, veterinarians, and pay clerks on duty without troops at stations where there are no public quarters.—*Act of Mar. 2, 1913 (37 Stat., 709)*.

PAYMENT TO JENNIE CARROLL.

473. That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of Jennie Carroll, widow of James Carroll, major and surgeon, United States Army, and pay her for and during the time of her natural life, in lieu of all pensions, the sum of one hundred and twenty-five dollars per month, in special recognition of the eminent services of said James Carroll, in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever, and demonstrating on his own person the truth of the theory of the transmission and propagation of yellow fever infection by mosquitoes.—*Act of May 23, 1908 (35 Stat., 1325)*. See also annual appropriation acts.

PAYMENT TO MABEL H. LAZEAR.

474. That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of Mabel H. Lazear, widow of Doctor Jesse W. Lazear, late acting assistant contract surgeon, United States Army, and pay her for and during the time of her natural life, in lieu of all pensions, the sum of one hundred and twenty-five dollars per month, in special recognition of the eminent services of said Jesse W. Lazear in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever, and demonstrating on his own person the truth of the theory of the transmission and propagation of yellow fever infection by mosquitoes, and the sacrifice of his life in proving the same.—*Act of May 23, 1908 (35 Stat., 1325)*. See also annual appropriation acts.

PAYMENT TO JOHN R. K'SSINGER.

475. That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of John R. Kissinger, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and also late of the Hospital Corps, United States Army, and pay to him for and during his natural life, in lieu of all pensions, the sum of one hundred dollars per month, in special recognition of the eminent service rendered, suffering endured, and permanent

disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow-fever hospital in Cuba.—*Act of Feb. 15, 1911 (36 Stat., 1919)*. See also annual appropriation acts.

PHILIPPINE SCOUTS.

476. That when in his opinion the conditions in the Philippine Islands justify such action the President is authorized to enlist natives of those islands for service in the Army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this act, for the Regular Army. The President is further authorized, in his discretion, to form companies, organized as are companies of the Regular Army, in squadrons or battalions, with officers and noncommissioned officers corresponding to similar organizations in the Cavalry and Infantry arms. The total number of enlisted men in said native organizations shall not exceed twelve thousand, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time one hundred thousand.—*Sec. 36, act of Feb. 2, 1901 (31 Stat., 757)*.

477. The majors to command the squadrons and battalions shall be selected by the President from captains of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of the grade of major.—*Ibid.*

478. The captains of the troops or companies shall be selected by the President from the first lieutenants of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of captain of the arm to which assigned.—*Ibid.*

479. When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Secretary of War, not exceeding those of corresponding grades of the Regular Army.—*Ibid.*

480. The pay and allowances of provisional officers of native organizations shall be those authorized for officers of like grades in the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army.—*Ibid.*

481. That the office of captain in the Philippine Scouts is hereby created as a grade of rank in the military establishment. Such captains shall be selected from officers of the grade of first lieutenants in said scouts, and shall be given provisional appointments for periods of four years each, and no such appointment shall be continued for a second or subsequent period unless the officers' conduct shall have been satisfactory in every respect: *Provided*, That the number of officers provisionally appointed under the terms of this act shall not at any time exceed the number of companies of said native troops which may be formed by the President from time to time for service in the Philippine Islands.—*Act of May 16, 1908 (35 Stat., 163)*.

PORTO RICAN REGIMENT.

482. The President is authorized to organize and maintain one provisional regiment of not exceeding three battalions of Infantry, for service in Porto Rico, the enlisted strength thereof to be composed of natives of that island as far as practicable. The regiment shall be organized as to numbers as authorized for Infantry regiments of the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those author-

ized for the Regular Army. The field officers shall be selected from officers of the next lower grades in the Regular Army and shall, while so serving in the higher grade, have the rank, pay, and allowances thereof. The company and regimental and battalion staff officers shall be appointed by the President. The President may, in his discretion, continue with their own consent the volunteer officers and enlisted men of the Porto Rico regiment whose terms of service expire by law July first, nineteen hundred and one. Enlistments for the Porto Rico regiment shall be made for periods of three years, unless sooner discharged. The regiment shall be continued in service until further directed by Congress.—*Sec. 37, act of Feb. 2, 1901 (31 Stat., 758).*

(Amended by:—)

483. Promotions to the grade of first lieutenant and captain shall be according to seniority within the regiment, subject to the examination provided by law. All appointments and promotions herein provided for shall be made with the advice and consent of the Senate. Officers of the Porto Rico Regiment of Infantry shall have the same rank, pay, rights, and allowances provided by law for officers of similar rank in the Army of the United States, except as herein provided with regard to promotion. Any of the officers provided for by section 3 who may have become incapacitated for active service by reason of disability incident to the service shall be placed upon the retired list with the rank to which they would otherwise be entitled.—*Sec. 5, act of May 27, 1908 (35 Stat., 392).*

484. That men hereafter enlisted in the Porto Rico Provisional Regiment of Infantry shall be enlisted for a period of three years and may be reenlisted, such enlistments and reenlistments to be subject to the regulations governing the Army at Large, with such modifications as to physical requirements as the President may prescribe.—*Act of May 11, 1908, amending sec. 37, act of Feb. 2, 1901 (35 Stat., 114).*

485. Field officers shall be detailed from the officers of the Regular Army of the same grade and shall receive the pay and emoluments of their grade.—*Act Apr. 23, 1904 (33 Stat., 266).*

486. The pay and allowances of officers and enlisted men of the regiment shall be the same as authorized for like grades in the Regular Army.—*Ibid.*

TRANSLATOR AND LIBRARIAN, GENERAL STAFF CORPS.

487. For pay of the translator and librarian of the military information section, General Staff Corps, one thousand eight hundred dollars.—*Act of Mar. 2, 1901 (31 Stat., 901).* See also annual appropriation acts.

VETERINARIANS.

CAVALRY AND ARTILLERY.

488. The grade of veterinarian of the second class in Cavalry regiments, United States Army, is hereby abolished, and hereafter the two veterinarians authorized for each Cavalry regiment and the one veterinarian authorized for each Artillery regiment shall receive the pay and allowances of second lieutenants, mounted.—*Sec. 20, act of Mar. 2, 1901 (31 Stat., 753).* See also act of Feb. 2, 1901 (31 Stat., 901).

489. Hereafter so much of section twenty of the act approved February second, nineteen hundred and one, as provides that veterinarians shall receive the pay and allowances of second lieutenants, mounted, shall be interpreted to authorize their retirement under the laws governing the retirement of second lieutenants.—*Act of Mar. 3, 1911 (36 Stat., 1042).*

VOLUNTEERS.

490. The governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and the President may appoint officers of the Regular Army in the grade of field officers in organizations of the Volunteer Army raised in the District of Columbia and the Indian Territory, and in the regiments possessing special qualifications, provided for in section six of an act of Congress approved April twenty-second, eighteen hundred and ninety-eight, and in section two of the act of Congress approved May eleventh, eighteen hundred and ninety-eight; and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time: *And provided further*, That officers so appointed shall be entitled to receive only the pay and allowances of their rank in the volunteer organization.—*Act of May 28, 1898 (30 Stat., 421)*.

491. The general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five volunteer officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from the service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.—*Act of Apr. 22, 1898 (30 Stat., 363)*.

492. All officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.—*Act of Apr. 22, 1898 (30 Stat., 363)*.

493. The pay and allowances of such of the volunteers as are received into the service of the United States under the act of Congress approved April twenty-second, eighteen hundred and ninety-eight, and the acts supplemental thereto, shall be deemed to commence from the day on which they joined for duty and are enrolled at the battalion, regimental, or State rendezvous.—*Act of May 26, 1898 (30 Stat., 420)*.

493½. Sec. 11. That in the organization of a recruiting system, after Congress shall have authorized the raising of volunteer forces, the President is authorized to employ retired officers, noncommissioned officers, and privates of the Regular Army, either with their rank on the retired list or, in the case of enlisted men, with increased non-commissioned rank: or he may, by and with the advice and consent of the Senate, appoint and employ retired officers below the grade of colonel, with increased volunteer commissioned rank not to exceed in the case of any officer one grade above that held by him upon the retired list, or retired enlisted men with volunteer commissioned rank not above the grade of first lieutenant: *Provided*, That retired officers and enlisted men while thus employed shall not be eligible for transfer to the field units, but shall receive the full pay and allowances of the respective grades in which they are serving, whether volunteer or regular, in lieu of their retired pay and allowances: *Provided further*, That upon the termination of the duty or, in case of those given volunteer rank, upon muster out as volunteers said retired officers and enlisted men shall revert to their retired status.

Sec. 12. That, except as otherwise specifically prescribed by law, all officers provided for in this act shall be subject to such assignments of duty and such transfers as the President may direct: *Provided*, That medical officers of Volunteers when detailed as consulting surgeons shall not exercise command over the hospitals to which they may be assigned for duty, except that by virtue of their commissions they may command all enlisted men: *Provided further*, That medical inspectors shall be detailed for duty with each army, field army, or army corps, and divisions, and for the base and lines of communications, and that no officer shall be detailed for duty as a medical inspector except he be experienced in military sanitation.

Sec. 13. That all officers and enlisted men of the volunteer forces shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades in the Regular Army.—*Act of Apr. 25, 1914.*

WITNESSES.

494. When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage, or other compensation in addition to his salary, shall in any case be allowed.—*Sec. 850, R. S.*

PERSONNEL—CIVILIANS.

ASSISTANT AND CHIEF CLERK, DUTIES OF.

495. Each chief clerk in the several departments and bureaus, and other offices connected with the departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein, and see that they are faithfully performed.—*Sec. 173, R. S.*

496. Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business.—*Sec. 174, R. S.*

497. No officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein.—*Act of Aug. 29, 1890 (26 Stat., 371).*

498. After June thirtieth, nineteen hundred and twelve, * * * chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, * * * are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July first, nineteen hundred and twelve, no fee or money paid for the services herein described shall be paid or reimbursed by the United States.—*Act of Aug. 24, 1912 (37 Stat., 487).*

499. The chief clerks of the several executive departments and of the various bureaus and offices thereof in Washington, District of Columbia, are hereby authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion.—*Act of Aug. 29, 1890 (26 Stat., 371).*

CIVIL PENSION ROLL.

500. The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the public service from the existing laws respecting employment in such service, is hereby prohibited.—*Act of Feb. 24, 1899 (30 Stat., 890).*

CLASSIFICATION OF CLERKS.

501. Each head of a department may, from time to time, alter the distribution among the various bureaus and offices of his department, of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein.—*Act of May 28, 1896 (29 Stat., 179).*

502. No clerk, messenger, or laborer at headquarters of divisions, departments, posts commanded by general officers, or office of the Chief of Staff, shall be assigned to duty with any bureau of the War Department.—*Act of Aug. 24, 1912 (37 Stat., 573).*

COMPUTATION OF PAY FOR SERVICES.

503. Hereafter, where the compensation of any person in the service of the United States is annual or monthly, the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month, one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually has thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited.—*Act of June 30, 1906 (34 Stat., 763).*

CONTRIBUTIONS FOR POLITICAL PURPOSES AND OTHERWISE.

504. That all executive officers or employees of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from any other officer or employee of the Govern-

ment any money or property or other thing of value for political purposes; and any such officer or employee who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars.—*Act of Aug. 15, 1876 (19 Stat., 169).*

505. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who is guilty of extortion, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, and every person who shall attempt any act which, if performed, would make him guilty of such extortion, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment, except those officers or agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter.—*Act of June 22, 1906 (34 Stat., 546).*

506. No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.—*Sec. 1784, R. S.*

DETAILS.

507. Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any executive department in the District of Columbia, except temporary details for duty connected with their respective offices.—*Act of June 22, 1906 (34 Stat., 449).*

508. Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.—*Act of June 22, 1906 (34 Stat., 401).*

EFFICIENCY RATINGS.

509. *Sec. 4.* The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by the provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided,* That in the event of reductions being made in the force in any of the executive depart-

ments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary. Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.—*Act of Aug. 23, 1912 (37 Stat., 413).*

EMPLOYMENT AND DETAILS.

510. Sec. 4. That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the first day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of the Government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of the Government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the first day of October next section one hundred and seventy-two of the Revised Statutes, and all other laws and parts of law inconsistent with the provisions of this act, and all laws and parts of law authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all money accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury: *Provided*, That the sums herein specifically appropriated for clerical or other force heretofore paid for out of general or specific appropriations may be used by the several heads of departments to pay such force until the said several heads of departments shall have adjusted the said force in accordance with the provisions of this act; and such adjustment shall be effected before October first, eighteen hundred and eighty-two. And in making such adjustment the employees herein provided for shall, as far as may be consistent with the interests of the service, be apportioned among the several States and Territories according to population: *Provided further*, That any person performing duty in any capacity as officer, clerk, or otherwise in any department at the date of the passage of this act who has heretofore been paid from any appropriation made for contingent expenses or for any contingent or general purpose, and whose office or place is specifically provided for herein, under the direction of the head of that department may be continued in such office, clerkship, or employment without a new appointment thereto, but shall be charged to the quota of the several States and Territories from which they are respectively appointed and nothing herein shall be construed to repeal or modify section one hundred and sixty-six of the Revised Statutes of the United States.—*Act of Aug. 5, 1882 (22 Stat., 255).*

EMPLOYMENT OF EXTRA CLERKS.

511. No extra clerk shall be employed in any department, bureau, or office, at the seat of the Government, except during the session of Congress, or when indispen-

sably necessary in answering some call made by either House of Congress at one session to be answered by another; nor then, except by order of the head of the department in which, or in some bureau or office of which, such extra clerk shall be employed. And no extra clerk employed in either of the departments shall receive compensation except for time actually and necessarily employed, nor any greater compensation than three dollars a day for copying, or four dollars a day for any other service.—*Sec. 171, R. S.*

EMPLOYMENT—RESTRICTIONS, ETC.

512. Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.—*Sec. 169, R. S.*

513. The executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman, messenger, watchman, laborer, or other employee, in any of the executive departments in the city of Washington, or elsewhere beyond provisions made by law.—*Act of Aug. 15, 1876 (19 Stat., 169).*

514. No person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.—*Act of Jan. 16, 1883 (22 Stat., 403).*

515. Whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.—*Act of Jan. 16, 1883 (22 Stat., 403).*

516. No recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.—*Act of Jan. 16, 1883 (22 Stat., 403).*

517. No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate.—*Act of July 31, 1894 (28 Stat., 205).*

HOURS OF WORK—NUMBER OF.

518. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.—*Sec. 3738, R. S.*

519. Hereafter it shall be the duty of heads of the several executive departments to require seven hours' labor each day of clerks and other employees, except Sundays and holidays.—*Act of Mar. 15, 1898 (30 Stat., 316).*

520. The heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively; but in case of an extension it shall be without additional compensation.—*Ibid.*

PERSONNEL—CIVILIANS.

LEAVE—ANNUAL.

521. The head of any department may grant thirty days' annual leave with pay in any one year to each clerk or employee.—*Act of Mar. 15, 1898 (30 Stat., 316).*

522. Nothing contained in section seven of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year eighteen hundred and ninety-nine, approved March fifteenth, eighteen hundred and ninety-eight, shall be construed to prevent the head of any executive department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness as provided in said section seven.—*Act of July 7, 1898 (30 Stat., 653).*

523. This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave.—*Act of Mar. 15, 1899 (30 Stat., 317).*

524. The thirty days' annual leave of absence with pay in any one year to clerks and employees in the several executive departments authorized by existing law shall be exclusive of Sundays and legal holidays.—*Act of Feb. 24, 1899 (30 Stat., 890).*

525. Each and every employee of the navy yards, gun factories, naval stations, and arsenals of the United States Government be, and is hereby, granted fifteen working days' leave of absence each year without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.—*Act of Feb. 1, 1901 (31 Stat., 746).*

LEAVE OF ABSENCE TO MEMBERS OF THE NATIONAL GUARD.

526. That all officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act.—*Act of Mar. 1, 1889 (25 Stat., 779).*

LEAVE—SICK.

527. Where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the department, with pay, not exceeding thirty days in any one case or in any one calendar year.—*Act of Mar. 15, 1898 (30 Stat., 317).*

LEGAL HOLIDAYS.

528. The employees of the navy yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington, or elsewhere in the United States, shall be allowed the following holidays, to wit: The first day of January, the twenty-second day of February, the

fourth day of July, the twenty-fifth day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days.—*Joint res. 5, Jan. 6, 1885 (23 Stat., 516)*.

529. All per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of each year which is celebrated as "Memorial" or "Decoration Day" and the fourth of July of each year, as holidays, and shall receive the same pay as on other days.—*Joint res. 6, Feb. 23, 1887 (24 Stat., 644)*.

530. The first Monday of September in each year, being the day celebrated and known as Labor's Holiday, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Christmas, the first day of January, the twenty-second day of February, the thirtieth day of May, and the fourth day of July are now made by law public holidays.—*Act of June 28, 1894 (28 Stat., 96)*.

531. Sec. 1389. The following days in each year, namely, the first day of January, commonly called New Year's Day; the twenty-second day of February, known as Washington's Birthday; the fourth of July; the thirtieth day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the twenty-fifth day of December, commonly called Christmas Day; every Saturday, after twelve o'clock noon; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving, and the day of the inauguration of the President, in every fourth year, shall be holidays in the District within the meaning of this section.—*Act of Mar. 3, 1901 (31 Stat., 1404)*.

(Amended by—)

532. Amend section thirteen hundred and eighty-nine by striking out in the eighteenth and nineteenth lines thereof the words "within the meaning of this section" and inserting in lieu thereof the words "for all purposes".—*Act of June 30, 1902 (32 Stat., 543)*.

MEDICAL SUPPLIES, PURCHASE OF AT MILITARY POSTS.

533. Sec. 1. That hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army.—*Act of Mar. 2, 1905 (33 Stat., 839)*.

OATH OF OFFICE.

534. That section seventeen hundred and fifty-six of the Revised Statutes be, and the same is hereby repealed, and hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section seventeen hundred and fifty-seven of the Revised Statutes. But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments.—*Sec. 2, act of May 13, 1884 (23 Stat., 22)*.

535. Sec. 3. The provisions of this act shall in no manner affect any right, duty, claim, obligation, or penalty now existing or already incurred; and all and every such right, duty, claim, obligation, and penalty shall be heard, tried, and determined, and effect shall be given thereto, in the same manner as if this act had not been passed.—*Ibid.*

536. Whenever any person * * * is elected or appointed to any office of honor or trust under the Government of the United States, * * * he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A. B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."—*Sec. 1757, R. S.*

537. The oath of office required by the preceding section may be taken before any officer who is authorized, either by the laws of the United States or by the local municipal law, to administer oaths, in the State, Territory, or district where such oath may be administered.—*Sec. 1758, R. S.*

538. The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six or of section seventeen hundred and fifty-seven shall be delivered in by him, to be preserved among the files of the House of Congress, department, or court to which the office in respect to which the oath is made may appertain.—*Sec. 1759, R. S.*

539. The Secretary of War is authorized to detail one or more of the employees of the War Department for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp and garrison equipage, quartermaster stores, and ordnance, which oaths shall be administered without expense to the parties taking them.—*Sec. 225, R. S.*

PROMOTIONS FROM LUMP-SUM APPROPRIATIONS.

540. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government.—*Act of Mar. 4, 1913 (37 Stat., 790).*

SALARIES.

541. The annual salaries of clerks and employees in the departments whose compensation is not otherwise prescribed shall be as follows:

- First. To clerks of the fourth class, one thousand eight hundred dollars.
- Second. To clerks of the third class, one thousand six hundred dollars.
- Third. To clerks of the second class, one thousand four hundred dollars.
- Fourth. To clerks of the first class, one thousand two hundred dollars.
- Fifth. To the women employed in duties of a clerical character, subordinate to those assigned to clerks of the first class, including copyists and counters, or temporarily employed to perform the duties of a clerk, nine hundred dollars.
- Sixth. To messengers, eight hundred and forty dollars.
- Seventh. To assistant messengers, seven hundred and twenty dollars.
- Eighth. To laborers, seven hundred and twenty dollars.
- Ninth. To watchmen, seven hundred and twenty dollars.

Sec. 167, R. S.

542. The clerks in the departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes.—*Sec. 163, R. S.*

Amended by Executive order of June 9, 1896, as follows:

A. Less than seven hundred and twenty dollars.

B. Seven hundred and twenty dollars or more and less than eight hundred and forty dollars.

C. Eight hundred and forty dollars or more and less than nine hundred dollars.

D. Nine hundred dollars or more and less than one thousand dollars.

E. One thousand dollars or more and less than one thousand two hundred dollars.

First. One thousand two hundred dollars or more and less than one thousand four hundred dollars.

Second. One thousand four hundred dollars or more and less than one thousand six hundred dollars.

Third. One thousand six hundred dollars or more and less than one thousand eight hundred dollars.

Fourth. One thousand eight hundred dollars or more and less than two thousand dollars.

Fifth. Two thousand dollars or more and less than two thousand five hundred dollars.

Sixth. Two thousand five hundred dollars or more.

543. Except when a different compensation is expressly prescribed by law, any clerk temporarily employed to perform the same or similar duties with those belonging to clerks of either class is entitled to the same salary as is allowed to clerks of that class.—*Sec. 163, R. S.*

544. No money shall be paid to any clerk employed in either department at an annual salary, as compensation for extra services, unless expressly authorized by law.—*Sec. 170, R. S.*

545. No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.—*Sec. 1764, R. S.*

546. OFFICE, CHIEF, QUARTERMASTER CORPS: Assistant and chief clerk, \$2,750; five principal clerks, at \$2,250 each; clerks—fifteen of class four, twenty-five of class three, forty-four of class two, eighty-five of class one, fifty at \$1,000 each, ten at \$900 each; advisory architect at \$4,000; experienced builder and mechanic, \$2,500; inspector of supplies, \$2,500; draftsmen—three at \$1,800 each, seven at \$1,600 each, five at \$1,400 each; supervising engineer, \$2,750; two civil engineers at \$1,800 each; electrical engineer at \$2,000; electrical and mechanical engineer, \$2,000; marine engineer, \$3,500; assistant marine engineer, \$1,800; sanitary and heating engineer, \$1,800; blueprint operator, \$900; six messengers; fourteen assistant messengers; twelve laborers; one laborer, \$600; one laborer, \$480; in all, \$378,670.—*Act of Mar. 4, 1913 (37 Stat., 764).*

547. That the number of and total sum paid for civilian employees in the Quartermaster Corps, shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than \$150 per month, except upon the approval of the Secretary of War.—*Act of Mar. 2, 1913 (37 Stat., 714).*

VETERINARIANS.

(Quartermaster Corps.)

548. Such number of veterinarians as the Secretary of War may authorize shall be employed to attend animals pertaining to the Quartermaster's or other departments not directly connected with the Cavalry and Artillery regiments, at a compensation not exceeding one hundred dollars per month.—*Act of Feb. 2, 1901 (31 Stat., 753)*

PRINTING.

549. The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any executive department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the department or Government establishment requiring the same.—*Act of June 28, 1902 (32 Stat., 481).*

550. The number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the executive departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized, or which may hereafter be authorized.—*Joint Res., Mar. 30, 1906 (34 Stat., 826).*

551. Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the executive departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and after the fiscal year nineteen hundred and seven no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any executive department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letterheads and noteheads, printed in the course of manufacture.—*Sec. 2, act of June 30, 1906 (34 Stat., 762).*

552. Hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business.—*Act of Mar. 3, 1905 (33 Stat., 1213).*

553. Hereafter no book or document not having to do with the ordinary business transactions of the executive departments shall be printed on the requisition of any executive department or unless the same shall have been expressly authorized by Congress.—*Act of Mar. 3, 1905 (33 Stat., 1249).*

554. Hereafter, in the printing and binding of documents or reports emanating from the executive departments, bureaus, and independent offices of the Government, the cost of which is now charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the executive departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the executive department, bureau, or independent office of the Government, in proportion to the number

delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the executive departments, bureaus, and independent offices of the Government, if such there be, shall be charged as heretofore: *Provided*, That on or before the first day of December in each fiscal year each executive department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such department, bureau, or independent office now required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such document and reports shall have been fully paid.—*Joint Res., Mar. 30, 1906 (34 Stat., 825).*

555. No part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose.—*Act of Aug. 24, 1912 (37 Stat., 579).* See also annual appropriation acts.

PUBLIC LANDS.

ACQUISITION.

556. The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever, * * * over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.—*Art. I, sec. 8, Constitution of the United States.*

557. No land shall be purchased on account of the United States, except under a law authorizing such purchase.—*Sec. 3736, R. S.*

558. In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the United States circuit or district courts of the district wherein such real estate is located shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this act, or such other officer, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.—*Act of Aug. 1, 1888 (25 Stat., 357).*

DISPOSITION.

559. Sec. 2. The practice, pleadings, forms, and modes of proceeding in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of the court to the contrary notwithstanding.—*Ibid.*

560. Hereafter the Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement, by condemnation, of any land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided*, That when the owner of such land, or rights pertaining thereto, shall fix a price for the same, which, in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States donations of lands, or rights pertaining thereto, required for the above-mentioned purposes: *And provided further*, That nothing herein contained shall be construed to authorize an expenditure, or to involve the Government in any contract or contracts for the future payment of money, in excess of the sums appropriated therefor.—*Act of Aug. 18, 1890 (26 Stat., 316)*.

561. No public money shall be expended upon any site or land purchased by the United States for the purpose of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building, of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments respectively.—*Sec. 355, R. S.*

562. Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.—*Sec. 3752, R. S.*

563. The President of the United States is authorized to procure the assent of the legislature of any State within which any purchase of land has been made for the erection of forts, magazines, dockyards, arsenals, and other needful buildings without such consent having been obtained.—*Sec. 1838, R. S.*

564. The Secretary of War is authorized to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post.—*Act of June 28, 1902 (32 Stat., 464)*.

DISPOSITION—REVOCABLE LEASES.

565. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.—*Art. IV, sec. 3, par. 2, Constitution of the United States.*

566. That whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same, or so much thereof as he shall designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.—*Act of July 5, 1884 (23 Stat., 103)*.

567. The President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place.—*Act of Mar. 3, 1893 (27 Stat., 593).*

568. Authority is hereby given to the Secretary of War, when in his discretion it will be for the public good, to lease, for a period not exceeding five years and revocable at any time, such property of the United States under his control as may not for the time be required for public use and for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress: *Provided*, That nothing in this act contained shall be held to apply to mineral or phosphate lands.—*Act of July 28, 1892 (27 Stat., 321).*

EASEMENTS.

569. The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon; and permit cattle, sheep, or other stock animals to be driven across such reservation, whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon.—*Act of July 5, 1884 (23 Stat., 103).*

RIGHTS OF WAY.

570. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the grounds occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.—*Sec. 18, act of Mar. 3, 1891 (26 Stat., 1101).*

571. That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof; or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall

be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of Title LXV of the Revised Statutes of the United States and amendments thereto regulating rights of way for telegraph companies over public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right or easement or interest in, to, or over any public land, reservation, or park.—*Act of Feb. 15, 1901 (31 Stat., 790)*.

572. That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.—*Act of Mar. 4, 1911 (36 Stat., 1253)*.

573. Sec. 1. * * * That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States.—*Act of June 30, 1906 (34 Stat., 740)*.

PRESERVATION OF AMERICAN ANTIQUITIES.

574. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national

monuments, and may reserve as a park thereon parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim, or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdiction may be granted by the Secretary of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.—*Act of June 8, 1906 (34 Stat., 225).*

575. Each and every grant of right of way and station grounds heretofore made to any railroad corporation under the act of Congress approved March third, eighteen hundred and seventy-five, entitled "An act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby free and discharged from any easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: *Provided*, That no right of way on which construction is progressing in good faith at the time of the passage of this act shall be in anywise affected, validated, or invalidated by the provisions of this act.—*Act of Feb. 25, 1909 (35 Stat., 647).*

MILITARY RESERVATIONS, PHILIPPINE ISLANDS.

576. All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this act.—*Act of July 1, 1902 (32 Stat., 691).*

577. That the Government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the Government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use, and occupy such public property belonging to said provinces and municipalities.—*Act of July 1, 1902 (32 Stat., 691).*

PUBLIC MONIES.

ACCOUNTS OF LINE OFFICERS AND DISBURSING OFFICERS.

578. Hereafter all the accounts of individual paymasters shall be analyzed under the several heads of the appropriation and recorded in detail by the Paymaster General of the Army before said accounts are forwarded to the Treasury Department for final audit.—*Act of Mar. 2, 1905 (33 Stat., 832).*

579. The Auditor of the Treasury for the War Department shall audit and settle the accounts of line officers of the Army, to the extent of the pay due them for their services as such, notwithstanding the inability of any such line officer to account for the property intrusted to his possession, or to make his monthly reports or returns, if such auditor shall be satisfied by the affidavit of the officer or otherwise that the inability was caused by the officer having been a prisoner in the hands of the enemy, or by any accident or casualty of war.—*Sec. 278, R. S.*

580. Any moneys paid by a paymaster in the Army to an enlisted man as an advance bounty shall be allowed in the settlement of the accounts of the paymaster, notwithstanding the discharge of such enlisted man before serving the time required by law to entitle him to payment of such moneys.—*Sec. 280, R. S.*

581. The proper accounting officers are authorized, in the settlement of the accounts of paymasters of the Army, to allow such credits for overpayments made in good faith on public account, since the fourteenth day of April, eighteen hundred and sixty-one and before the sixteenth day of March, eighteen hundred and sixty-eight, as shall appear to them, by such vouchers and testimony as they shall require, to be just.—*Sec. 281, R. S.*

582. In all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge; but his accounts shall first be duly settled, and the fact, date, and amount of such settlement shall be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer before it is delivered.—*Sec. 282, R. S.*

CONTINGENT FUND.

583. *Sec. 6.* That in addition to the apportionment required by the so-called anti-deficiency act, approved February twenty-seventh, nineteen hundred and six (*Statutes at Large*, volume thirty-four, page forty-nine), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.—*Act of Aug. 23, 1912 (37 Stat., 414).*



CREDIT FOR LOST FUNDS.

584. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed, as a credit in the settlement of his accounts.—*Sec. 1062, R. S.*

DESERTERS—REWARDS FOR APPREHENSION OF.

585. For the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than fifty dollars for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses.—*Act of Mar. 3, 1911 (36 Stat., 1048).*

586. *Sec. 3.* That United States marshals and their deputies, sheriffs and their deputies, constables, and police officers of towns and cities are hereby authorized to apprehend, arrest, and receive the surrender of any deserter from the Army for the purpose of delivering him to any person in the military service authorized to receive him.—*Act of June 16, 1890 (26 Stat., 158).*

587. *Sec. 2.* That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District, to arrest offenders, summarily arrest a deserter from the military service of the United States and deliver him into the custody of the military authority of the General Government.—*Act of Oct. 1, 1890 (26 Stat., 648).*

DECISIONS BY COMPTROLLER IN ADVANCE OF PAYMENT.

588. Disbursing officers, or the head of any executive department, or other establishment not under any of the executive departments, may apply for and the Comptroller of the Treasury shall render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the Auditor and the Comptroller of the Treasury in passing upon the account containing said disbursement.—*Act of July 31, 1894 (28 Stat., 208).*

DEDUCTIONS FOR PROPERTY LOST IN TRANSIT.

589. *Sec. 1. * * ** Hereafter moneys arising from deductions made from carriers on account of the loss of or damage to military stores in transit shall be credited to the proper appropriation or funds out of which such or similar stores shall be replaced.—*Act of Mar. 2, 1905 (33 Stat., 840).*

DESIGNATED DEPOSITORIES.

590. *Sec. 35.* The treasury of the Philippine Islands and such banking associations in said islands with a paid up capital of not less than two million dollars and chartered by the United States or any State thereof as may be designated by the Secretary of War and the Secretary of the Treasury of the United States shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: *Provided,* That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe keeping of public money except as prescribed, in his discretion, by the Secretary of War.—*Act of July 1, 1902 (32 Stat., 711).*

591. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks.—*Sec. 5153 R. S., as amended by act of Mar. 3, 1901 (31 Stat., 1448).*

592. The Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: *Provided*, That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited by depositing in the Treasury United States bonds to an amount not less than the aggregate sum at any time on deposit with such bank or bankers: *And provided further*, That this act shall apply to Cuba only while occupied by the United States.—*Act of June 6, 1900 (31 Stat., 658).*

DISBURSEMENTS.

593. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made and for no others.—*Sec. 3678, R. S.*

594. All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year and remaining unexpended at the expiration of each fiscal year shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.—*Sec. 3690, R. S.*

595. Hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body.—*Act of Mar. 4, 1909 (35 Stat., 1027).*

596. Hereafter all moneys arising from disposition of serviceable quartermaster's supplies or stores, authorized by law and regulations, shall remain available throughout the fiscal year following that in which the disposition was effected, for the purposes of that appropriation from which such supplies were authorized to be supplied at the time of the disposition.—*Act of Mar. 23, 1910 (36 Stat., 257).*

597. Hereafter subscriptions to newspapers, magazines, periodicals, and other publications, purchased from funds of the Quartermaster Corps, may be paid for in advance.—*Act of Apr. 27, 1914.*

DISBURSEMENTS IN CASE OF INSUFFICIENT BALANCES.

598. Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Quartermaster's Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been apportioned by the Quartermaster General for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.—*Act of Mar. 3, 1909 (35 Stat., 747).*

EMBEZZLEMENT.

599. Sec. 87. Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any place or in any manner, except as authorized by law, any public money intrusted to him; or shall, for any purpose not prescribed by law, withdraw from the Treasurer or any assistant treasurer, or any authorized depository, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both.—*Act of Mar. 4, 1909 (35 Stat., 1105).*

600. Every officer or other person charged by any act of Congress with the safekeeping of the public moneys, who shall loan, use, or convert to his own use, or shall deposit in any bank or exchange for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safekeeping, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years.—*Sec. 89, ibid.*

601. Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emoluments, fails to render his accounts for the same as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years.—*Sec. 90, ibid.*

602. Whoever, having money of the United States in his possession or under his control, shall fail to deposit it with the Treasurer, or some assistant treasurer, or some public depository of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof and shall be fined in a sum equal to the amount of money embezzled and imprisoned not more than ten years.—*Sec. 91, ibid.*

603. The provisions of the five preceding sections shall be construed to apply to all persons charged with the safekeeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same.—*Sec. 81, ibid.*

604. Upon the trial of any indictment against any person for embezzling public money under any provision of the six preceding sections, it shall be sufficient evidence, prima facie, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public moneys.—*Sec. 93, ibid.*

605. The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, prima facie evidence of such embezzlement.—*Sec. 94, ibid.*

606. If any officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the Treasury Department, to be allowed in his favor, any receipt or voucher from a creditor of the United States, without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion, by such officer, to his own use, of the amount specified in such receipt or voucher.—*Sec. 95, ibid.*

607. Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official functions under, or in connection with, any executive department of the Government of the United States, * * * shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim or receiving any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.—*Sec. 109, ibid.*

608. Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof, or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.—*Sec. 117, ibid.*

609. Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars or imprisoned not more than five years, or both.—*Sec. 47, ibid.*

ESTIMATES.

610. Hereafter it shall be the duty of the heads of the several executive departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the fifteenth day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the first day of November of each year, estimates for such appropriations as in his judgment shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress.—*Act of Mar. 3, 1901 (31 Stat., 1009).*

611. Hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the Chief of the Division of Warrants, Estimates, and Appropriations of his department.—*Act of July 7, 1884 (23 Stat., 254).*

612. All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction.—*Sec. 3669, R. S.*

613. *Sec. 4.* Hereafter the estimates for expenses of the Government except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any executive department may be submitted by note in the estimates.—*Act of June 22, 1906 (34 Stat., 448).*

614. Hereafter the heads of the several executive departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted, or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.—*Ibid.*

615. Estimates for the next fiscal year shall be submitted to the Congress of the United States covering transportation of the Army and its supplies in one estimate, and additional estimates shall be submitted covering other items heretofore carried in appropriation bills under the head of transportation of the Army and its supplies.—*Act of Mar. 2, 1907 (34 Stat., 1170).*

EXAMINATION AND INSPECTION OF ACCOUNTS.

616. All books, papers, and other matters relating to the accounts of officers of the Government in the District of Columbia shall at all times be subject to inspection and examination of the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts, or by the duly authorized agents of either of said officials.—*Act of Mar. 15, 1898 (30 Stat., 316).*

617. It shall be the duty of the Secretary of War to cause frequent inquiries to be made as to the necessity, economy, and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money; also to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits; such inquiries to be made by officers of the inspection department of the Army, or others detailed for that purpose: *Provided*, That no officer so detailed shall be in any way connected with the department or corps making the disbursement.—*Act of Apr. 20, 1874 (18 Stat., 33).*

618. It shall also be the duty of the heads of the several executive departments, and of the proper officers of other Government establishments not within the jurisdiction of any executive department to make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them, as required by section twelve of this act, before the transmission to the auditors, and for the execution of other requirements of this act in so far as the same relate to the several departments or establishments.—*Act of July 31, 1894 (28 Stat., 211).*

619. Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July thirty-first, eighteen hundred and ninety-four, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States.—*Act of Aug. 23, 1912 (37 Stat., 375).*

620. In case of the nonreceipt at the Treasury or proper bureau of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. Nothing herein contained shall, however, be construed to restrain the heads of any of the departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of departments, as the public interest may require.—*Sec. 3622, R. S.*

621. The Auditor for the War Department shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of War and all bureaus and offices under his direction, all accounts relating to the military establishment, armories, and arsenals, national cemeteries, fortifications, public buildings and grounds under the Chief of Engineers, rivers and harbors, the Military Academy, and to all other business within the jurisdiction of the Department of War, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forth with a copy of each certificate to the Secretary of War.—*Act of July 31, 1894 (28 Stat., 206).*

EXCHANGE OF FUNDS.

622. No exchange of funds shall be made by any disbursing officer or agent of the Government of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received

for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties as the President may deem just and proper.—*Sec. 3651, R. S.*

623. No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.—*Sec. 3652, R. S.*

COMMENCEMENT OF FISCAL YEAR.

624. The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, and accounts of the Sergeant at Arms of the House of Representatives for compensation and mileage of Members and Delegates, shall commence on the 1st day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year as thus established.—*Sec. 237, R. S., amended by act of Oct. 1, 1890 (26 Stat., 645).*

DEPOSIT AND SAFE-KEEPING OF FUNDS.

625. Every person who shall have moneys of the United States in his hands or possession and disbursing officers having moneys in their possession not required for current expenditure shall pay the same to the Treasurer, an assistant treasurer, or some public depository of the United States without delay, and in all cases within thirty days of their receipt. And the Treasurer, the assistant treasurer, or the public depository shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury, and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post Office Department shall be paid into the Treasury in the manner now required by law.—*Sec. 3621, R. S.*

626. Hereafter all funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines, or work done, shall be deposited in the Treasury of the United States and remain available during the fiscal year in which the transaction occurred, and the following year for the procurement of like military stores to replace those so transferred.—*Act of June 12, 1906 (34 Stat., 258).*

627. It shall be the duty of every disbursing officer having any public money entrusted to him for disbursement to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law (and draw for the same only in favor of the persons to whom payment is made); and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no treasurer or assistant treasurer the Secretary of the Treasury may,

when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors.—*Sec. 3620, R. S.*

FUNDS FOR PURCHASE OF SUBSISTENCE STORES, ETC.

628. That so much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence stores for sale to officers for the use of themselves and their families, and to commanders of companies or other organizations for the use of the enlisted men of their companies or organizations. And the proceeds of all sales of subsistence supplies shall hereafter be exempt from being covered into the Treasury and shall be immediately available for the purchase of fresh supplies.—*Act of Mar. 3, 1875 (18 Stat., 410).*

629. Hereafter officers intrusted with the disbursement of funds for the subsistence of the Army are hereby authorized to keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War.—*Act of Mar. 2, 1907 (34 Stat., 1166).*

FUNDS TO BE DISBURSED AND ACCOUNTED FOR AS PAY OF THE ARMY.

630. All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage of officers, acting dental surgeons, contract surgeons, veterinarians, pay clerks, and expert accountant Inspector General's Department, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund.—*Act of Mar. 2, 1913 (37 Stat., 710).*

KEEPING AND RENDITION OF ACCOUNTS.

631. Sec. 3. The Comptroller of the Treasury shall, under the direction of the Secretary of the Treasury, prescribe the forms of keeping and rendering all public accounts, except those relating to the postal revenues and expenditures therefrom.—*Act of July 31, 1894 (28 Stat., 205).*

632. Sec. 12. All monthly accounts shall be mailed or otherwise sent to the proper officer at Washington within ten days after the end of the month to which they relate, and quarterly and other accounts within twenty days after the period to which they relate, and shall be transmitted to and received by the auditors within twenty days of their actual receipt at the proper office in Washington in the case of monthly and sixty days in the case of quarterly and other accounts. Should there be any delinquency in this regard at the time of the receipt by the auditor of a requisition for an advance of money, he shall disapprove the requisition, which he may also do for other reasons arising out of the condition of the officer's accounts for whom the advance is requested; but the Secretary of the Treasury may overrule the auditor's decision as to the sufficiency of these latter reasons: *Provided*, That the Secretary of the Treasury shall prescribe suitable rules and regulations, and make orders in particular cases, relaxing the requirement of mailing or otherwise sending accounts, as aforesaid, within ten or twenty days, or waiving delinquency, in such cases only in which there is, or is likely to be, a manifest physical difficulty in complying with the same, it being the purpose of this provision to require the prompt rendition of accounts without regard to the mere convenience of the officers, and to forbid the advance of money to those delinquent in rendering them: *Provided further*, That should there be a delay by the administrative departments beyond the aforesaid twenty or sixty days in transmitting

accounts, an order of the President in the particular case shall be necessary to authorize the advance of money requested: *And provided further*, That this section shall not apply to accounts of the postal revenue and expenditures therefrom, which shall be rendered as now required by law.—*Act of July 31, 1894 (28 Stat., 209)*.

633. Should there be a delay by the administrative departments beyond the aforesaid twenty or sixty days in transmitting accounts, an order of the President (or, in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury) in the particular case shall be necessary to authorize the advance of money requested.—*Act of July 31, 1894, as amended by act of Mar. 2, 1895 (28 Stat., 209, 307)*.

634. The time for examination of monthly accounts, covering expenditures from appropriations for the Army, by the bureaus and offices of the War Department, after the date of actual receipt and before transmitting the same to the Auditor for the War Department, as limited by section twelve, act approved July thirty-first, eighteen hundred and ninety-four, is hereby extended from twenty to sixty days.—*Act of Mar. 2, 1901 (31 Stat., 910)*.

635. *Sec. 4.* That hereafter all disbursing officers of the United States shall render their accounts quarterly; and the Secretary of the Senate shall render his accounts as heretofore; but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when in his judgment the public interests may require.—*Act of Aug. 30, 1890 (26 Stat., 413)*.

NOTE.—Upon the recommendation of the Secretary of War, the Secretary of the Treasury directed that disbursing officers of the Quartermaster, Subsistence, and Pay Departments render their accounts monthly. (G. O. 114, A. G. O. Oct., 4, 1890.)

On May 11, 1892, the above action of the Secretary of the Treasury was modified so as to permit officers of the Army attached to United States legations to render their accounts quarterly instead of monthly. (Q. M. G. O. Card No. 32000, May 12, 1892. 2 Dig., 2, Comp., sec. 536.)

The Secretary of the Treasury, by Treasury Circular No. 79, dated May 25, 1892, has directed in effect that from and after July 1, 1892, the disbursing officers of the Government shall, unless otherwise directed, render their accounts monthly instead of quarterly. (4 Dig., 2 Comp., sec. 12.)

636. Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emoluments shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the bureau to which they pertain within ten days after the expiration of each successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury for settlement.—*Sec. 3622, R. S.*

637. All officers, agents, or other persons receiving public moneys shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them.—*Sec. 3623, R. S.*

638. Whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided

for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid.—*Act of Mar. 2, 1907 (34 Stat., 1167)*. See also annual appropriation acts.

639. *Sec. 8.* That hereafter fourth-class mail matter shall embrace all other matter including farm and factory products, not now embraced by law in either the first, second, or third class, not exceeding eleven pounds in weight, nor greater in size than seventy-two inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery. * * *

The classification of articles mailable as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission, after investigation, to re-form from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.—*Act of Aug. 24, 1912 (37 Stat., 557, 558)*. See *Parcels Post Regulations*.

640. All persons charged by law with the safekeeping, transfer, and disbursement of the public moneys, other than those connected with the Post Office Department, are required to keep an accurate entry of each sum received and of each payment or transfer.—*Sec. 3643, R. S.*

641. Hereafter all officers, agents, or other persons receiving public moneys appropriated by this or any subsequent Army appropriation act shall account for the disbursement thereof according to the several and distinct items of appropriation expressed in such act.—*Act of July 5, 1884 (23 Stat., 115)*.

LOST CHECKS—DUPLICATE CHECKS.

642. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check.—*Sec. 3646, R. S., as amended by act of Feb. 23, 1909 (35 Stat., 643)*.

643. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States, it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent.—*Sec. 3647, R. S., as amended by act of Feb. 23, 1909 (35 Stat., 664)*.

MISCELLANEOUS OFFENSES IN CONNECTION WITH THE SAFEKEEPING AND DISBURSEMENT OF THE PUBLIC MONEY, AND PUNISHMENT THEREFOR.

644. *Sec. 86.* Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, who shall pay to any clerk or other employee of the United States a sum less than that provided for by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years.—*Act of Mar. 4, 1909 (35 Stat., 1105).*

645. *Sec. 106.* Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.—*Ibid.*

OUTSTANDING CHECKS.

646. At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks issued by the Treasurer, or by any disbursing officer of any department of the Government upon the Treasurer or any assistant treasurer or designated depository of the United States, or upon any national bank designated as a depository of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities."—*Sec. 306, R. S.*

647. The certificate of the Secretary of the Treasury stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding section, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks.—*Sec. 307, R. S.*

648. The payee or the bona fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States.—*Sec. 308, R. S.*

649. The amounts, except such as are provided for in section three hundred and six, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner

be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the proper accounting officer of the Department of the Treasury on the books of the department, to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.—*Sec. 309, R. S.*

650. The Treasurer, each assistant treasurer, and each designated depository of the United States, and the cashier of each of the national banks designated as such depositaries, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. And each disbursing officer shall make a like return of all checks issued by him, and which may then have been outstanding and unpaid for three years and more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, number, and amount for which it was drawn, and, when known, the residence of the payee.—*Sec. 310, R. S.*

PROCEEDS OF SALES.

651. The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post Office Department.—*Sec. 3617, R. S.*

652. All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of materials, stores, or supplies sold to officers or soldiers of the Army, or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "Proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law.—*Sec. 3618, R. S.*

653. All moneys received from the leasing or sale of marine hospitals, or the sale of revenue cutters, or from the sale of commissary stores to the officers and enlisted men of the Army, or from the sale of materials, stores, or supplies sold to officers and soldiers of the Army, or from sales of condemned clothing of the Navy, or from sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they are appropriated by law.—*Sec. 3692, R. S.*

654. From the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of "Proceeds of Government property," or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the accounting officers of the Treasury, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be.—*Act of June 8, 1896 (29 Stat., 268).*

655. Hereafter when authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation.—*Act of Aug. 24, 1912 (37 Stat., 589).*

PUNISHMENT FOR IMPROPER USE OF.

656. * * * All public officers of whatsoever character are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the Government to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law or by any regulation of the Treasury Department made in conformity to law. * * *.—*Sec. 3639, R. S.*

657. *Sec. 85.* Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.—*Act of Mar. 4, 1909 (35 Stat., 1104).*

658. *Sec. 98.* Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years.—*Act of Mar. 4, 1909 (35 Stat., 1106).*

659. Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled, and shall be imprisoned not less than six months or more than ten years.—*Sec. 5491, R. S.*

660. Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer or any authorized depository, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment.—*Sec. 5488, R. S.*

REQUISITIONS FOR FUNDS—WARRANTS.

661. Every requisition for an advance of money, before being acted on by the Secretary of the Treasury, shall be sent to the proper auditor for action thereon as required by section twelve of this act.

All warrants, when authorized by law and signed by the Secretary of the Treasury, shall be countersigned by the Comptroller of the Treasury, and all warrants for the payment of money shall be accompanied either by the auditor's certificate, mentioned in section seven of this act, or by the requisition for advance of money, which certificate or requisition shall specify the particular appropriation to which the same should be charged, instead of being specified on the warrant, as now provided by section thirty-six hundred and seventy-five of the Revised Statutes; and shall also go with the warrant to the Treasurer, who shall return the certificate or requisition to the proper auditor, with the date and amount of the draft issued indorsed thereon. Requisitions for the payment of money on all audited accounts, or for covering money into the Treasury, shall not hereafter be required, and requisitions for advances of money shall not be countersigned by the Comptroller of the Treasury.—*Act of July 31, 1894 (28 Stat., 209).*

REVISION OF ACCOUNTS.

662. *Sec. 8.* The balances which may from time to time be certified by the auditors to the division of bookkeeping and warrants, or to the Postmaster General, upon the settlements of public accounts, shall be final and conclusive upon the executive branch of the Government, except that any person whose accounts have been settled, the head of the executive department or of the board, commission, or establishment not under the jurisdiction of an executive department to which the account pertains, or the Comptroller of the Treasury may, within a year, obtain a revision of the said account by the Comptroller of the Treasury, whose decision upon such revision shall be final and conclusive upon the executive branch of the Government: *Provided,* That the Secretary of the Treasury may, when in his judgment the interests of the Government require it, suspend payment and direct the reexamination of any account.—*Act of July 31, 1894 (28 Stat., 207).*

REVISION OF SETTLEMENTS.

663. *Sec. 8.* Any person accepting payment under a settlement by an auditor shall be thereby precluded from obtaining a revision of such settlement as to any items upon which payment is accepted; but nothing in this act shall prevent an auditor from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement. When suspended items are finally settled, a revision may be had as in the case of the original settlement. Action upon any account or business shall not be delayed awaiting applications for revision: *Provided,* That the Secretary of the Treasury shall make regulations fixing the time which shall expire before a warrant is issued in payment of an account certified as provided in sections seven and eight of this act.—*Act of July 31, 1894 (28 Stat., 208).*

SALE OF SUBSISTENCE STORES.

664. Hereafter when under the Army Regulations subsistence supplies are furnished to another bureau of the War Department, or to another executive department of the Government or employees thereof, payment therefor shall be made in cash by the proper disbursing officer of the bureau, office, or department concerned, or by the employee to whom the sale is made. When the transaction is between two bureaus of the War Department the price to be charged shall be the contract or invoice price of the supplies. When the transaction is between the Subsistence Department and another executive department of the Government or employees thereof, the price to be charged shall include the contract or invoice price and ten per centum additional to cover wastage in transit, and the cost of transportation.—*Act of Mar. 3, 1911 (36 Stat., 1047).*

665. Hereafter all moneys arising from sales of subsistence supplies or stores, authorized by law and regulations, shall be covered into the Treasury to the credit of the proper appropriation and shall remain available throughout the fiscal year following that in which the sales were effected, for the purposes of that appropriation from which such supplies or stores were authorized to be supplied at the time of the sales.—*Act of Apr. 27, 1914.*

SETTLEMENT OF ACCOUNTS.

666. The proper accounting officers of the Treasury be and they are hereby directed, in the settlement of the accounts of disbursing officers of the War Department, arising between the twenty-first day of April, eighteen hundred and ninety-eight, from which date war with Spain is declared to have existed, and the eighth day of July, nineteen hundred and one, inclusive, the date on which the last organization of the Volunteer Army was mustered out of the service of the United States, to allow such credits for payments and for losses of funds, vouchers, and property as may be recommended under authority of the Secretary of War by the heads of the military bureaus to which such accounts respectively pertain.—*Act of Mar. 2, 1903 (32 Stat., 955).*

667. The Comptroller of the Treasury, in any case where, in his opinion, the interests of the Government require it, shall direct any of the auditors forthwith to audit and settle any particular account which such auditor is authorized to audit and settle.—*Sec. 271 R. S., as amended by act of July 31, 1894 (28 Stat., 206).*

668. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the Department of the Treasury.—*Sec. 236, R. S.*

669. *Sec. 8.* Upon a certificate by the Comptroller of the Treasury of any differences ascertained by him upon revision, the auditor who shall have audited the account shall state an account of such differences and certify it to the division of bookkeeping and warrants, except that balances found and accounts stated as aforesaid by the Auditor for the Post Office Department for postal revenues and expenditures therefrom shall be certified to the Postmaster General.—*Act of July 31, 1894 (28 Stat., 208).*

SUITS FOR RECOVERY OF MONEY.

670. Whenever any person accountable for public money neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States upon the adjustment of his account the Comptroller of the Treasury shall institute suit for the recovery of the same, adding to the sum stated to be due on such account the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per centum per annum from the time of receiving the money until it shall be repaid into the Treasury.—*Sec. 3624, R. S.*

THE AUDITOR FOR THE WAR DEPARTMENT.

671. *Sec. 3.* The Auditors of the Treasury shall hereafter be designated as follows: * * * The Second Auditor as Auditor for the War Department. * * * The designations of the deputy auditors and other subordinates shall correspond with those of the Auditors. And each deputy auditor in addition to the duties now required to be performed by him, shall sign, in the name of the auditor, such letters and papers as the auditor may direct.—*Act of July 31, 1894 (28 Stat., 205).*

672. This Act, so far as it relates to the First Comptroller of the Treasury and the several auditors and deputy auditors of the Treasury, shall be held and construed to operate merely as changing their designations (to Comptroller of the Treasury, and auditors

for the various departments, etc.) and as adding to and modifying their duties and powers, and not as creating new officers.—*Sec. 9, ibid.*

673. The Division of Warrants, Estimates, and Appropriations in the office of the Secretary of the Treasury is hereby recognized and established as the Division of Book-keeping and Warrants. It shall be under the direction of the Secretary of the Treasury as heretofore. Upon the books of this division shall be kept all accounts of receipts and expenditures of public money except those relating to the postal revenues and expenditures therefrom; and section three hundred and thirteen and so much of sections two hundred and eighty-three and thirty-six hundred and seventy-five of the Revised Statutes as require those accounts to be kept by certain auditors and the Register of the Treasury are repealed.—*Sec. 10, act of July 31, 1894 (28 Stat., 208).*

674. The auditors, under the direction of the Comptroller of the Treasury, shall superintend the recovery of all debts finally certified by them, respectively, to be due to the United States.—*Sec. 4, act of July 31, 1894 (28 Stat., 206).*

675. The auditors shall, under the direction of the Comptroller of the Treasury, preserve, with their vouchers and certificates, all accounts which have been finally adjusted.—*Sec. 8, act of July 31, 1914 (28 Stat., 208).*

676. The auditors charged with the examination of the accounts of the Departments of War and of the Navy, shall keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments; shall receive from the Second Comptroller the accounts which shall have been finally adjusted, and shall preserve such accounts, with their vouchers and certificates, and record all requisitions drawn by the Secretaries of those departments, the examination of the accounts of which have been assigned to them. They shall annually, on the first Monday in November, severally report to the Secretary of the Treasury the application of the money appropriated for the Department of War and the Department of the Navy, and they shall make such reports on the business assigned to them as the Secretaries of those departments may deem necessary and require.—*Sec. 283. R. S.*

677. The Second Auditor shall receive and examine all accounts relating to the pay and clothing of the Army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the War Department, * * * and, after examinations of such accounts, he shall certify the balances, and transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.—*Sec. 277, R. S.*

678. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.—*Sec. 236, R. S.*

679. Nothing in this act shall be construed to authorize the reexamination and payment of any claim or account which has heretofore been disallowed or settled.—*Sec. 23, act of July 31, 1894 (28 Stat., 211).*

680. That should there be a delay by the administrative departments beyond the aforesaid twenty or sixty days in transmitting accounts, an order of the President, or, in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury, in the particular case, shall be necessary to authorize the advance of money requested.—*Sec. 4, act of Mar. 2, 1895 (28 Stat., 807).*

681. The Second Auditor may detail one clerk to sign, in the place of the Auditor, all certificates and papers issued under any provisions of law relating to bounties; but the Auditor shall be responsible for the official acts of such clerk.—*Sec. 279, R. S.*

682. * * * Hereafter in all cases of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts of the United States, payment thereof under appropriations made by Congress shall be made on settlements by the auditor for the department or branch of the public service having jurisdiction over the subject-matter out of which the claims arose.—*Act of Feb. 20, 1904 (35 Stat., 41).*

683. *Sec. 4.* That so much of section five of the act approved June twentieth, eighteen hundred and seventy-four, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed. And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: Provided, That nothing in this act shall be construed to authorize the reexamination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law.—*Act of June 14, 1878 (20 Stat., 191).*

THE COMPTROLLER OF THE TREASURY.

684. *Sec. 4.* The offices of Commissioner of Customs, Deputy Commissioner of Customs, Second Comptroller, Deputy Second Comptroller, and Deputy First Comptroller of the Treasury are abolished, and the First Comptroller of the Treasury shall hereafter be known as Comptroller of the Treasury. He shall perform the same duties and have the same powers and responsibilities (except as modified by this act) as those now performed by or appertaining to the First and Second Comptrollers of the Treasury and the Commissioner of Customs; and all provisions of law not inconsistent with this act, in any way relating to them or either of them, shall hereafter be construed and held as relating to the Comptroller of the Treasury.—*Act of July 31, 1894 (28 Stat., 205).*

685. It shall be the duty of the First Comptroller, first to examine all accounts settled by the First Auditor, except those relating to receipts from customs, and all accounts settled by the Fifth Auditor, and by the Commissioner of the General Land Office, and to certify the balances arising thereon to the Register; second, to superintend the adjustment and preservation of the public accounts subject to his revision; third, to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; fourth, to superintend the recovery of all debts certified by him to be due to the United States, and for that purpose to direct all such suits and legal proceedings, and to take such measures as may be authorized by law, and are adapted to enforce prompt payment thereof.—*Sec. 269, R. S.*

686. The First Comptroller, in every case where, in his opinion, further delays would be injurious to the United States, shall direct the First and Fifth Auditors of the Treasury forthwith to audit and settle any particular account which such officers may be authorized to audit and settle, and to report such settlement for revision and final decision by the First Comptroller.—*Sec. 271, R. S.*

687. The First Comptroller shall make an annual report to Congress of such officers as shall have failed to make settlement of their accounts for the preceding fiscal year, within the year, or within such further time as may have been prescribed by the Secretary of the Treasury for such settlement.—*Sec. 272, R. S.*

688. It shall be the duty of the Second Comptroller: First, to examine all accounts settled by the Second, Third, and Fourth Auditors, and certify the balances arising thereon to the Secretary of the department in which the expenditure has been incurred. Second, to countersign all warrants drawn by the Secretaries of War and of the Navy, which shall be warranted by law. Third, to report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed therein. Fourth, to superintend the preservation of the public accounts subject to his revision.—*Sec. 273, R. S.*

689. The Second Comptroller may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in the case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same.—*Sec. 274, R. S.*

690. The Second Comptroller may detail one clerk to sign, in the place of the Comptroller, all certificates and papers issued under any provisions of law relating to bounties; but the Comptroller shall be responsible for the official acts of such clerk.—*Sec. 275, R. S.*

PUBLIC PROPERTY.

ACCOUNTABILITY.

691. The Secretary of War is authorized to detail one or more of the employees of the War Department for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp and garrison equipage, quartermaster's stores and ordnance, which oaths shall be administered without expense to the parties taking them. (In settling the accounts of the commanding officer of a company for clothing and other military supplies the affidavit of any such officer may be received to show the loss of vouchers or company books, or any matter or circumstance tending to prove that any apparent deficiency was occasioned by unavoidable accident or loss in actual service without any fault on his part, or that the whole or any part of such clothing and supplies had been properly and legally used and appropriated; and such affidavit may be considered as evidence to establish the facts set forth, with or without other evidence, as may seem to the Secretary of War just and proper under the circumstances of the case).—*Sec. 225, R. S.*

692. The Quartermaster General, under the direction of the Secretary of War, shall prescribe and enforce a system of accountability for all quartermaster's supplies to the Army or to officers, seamen, and marines. And he shall account to the Secretary of War at least once in three months for all property and money that may pass through his hands or the hands of his subordinate officers.—*Sec. 1139, R. S., as amended by act of Feb. 27, 1877 (19 Stat., 242).*

693. Every officer who receives clothing or camp equipage for the use of his command or for issue to the troops shall render to the Quartermaster General, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues which shall have been made. Said returns and vouchers after due examination by the Quartermaster General shall be transmitted for settlement to the proper accounting officer of the Treasury Department.—*Sec. 122, R. S.*

694. The Congress shall have power to dispose of and make all rules and regulations respecting the territory or other property belonging to the United States.—*Constitution, Art. IV, sec. 3.*

695. Every officer commanding a troop, battery, or company is charged with the arms, accouterments, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident or on actual service.—*Tenth article of war. Sec. 1342, R. S.*

696. Sec. 1. That instead of forwarding to the accounting officers of the Treasury Department returns of public property intrusted to the possession of officers or agents, the Quartermaster General, the Commissary General of Subsistence, the Surgeon General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Paymaster General of the Navy, the Commissioner of Indian Affairs, or other like chief officers in any department, by, through, or under whom stores, supplies, and other public property are received for distribution, or whose duty it is to receive or examine returns of such property, shall certify to the proper accounting officer of the Treasury Department for debiting on the proper account any charge against any officer or agent intrusted with public property, arising from any loss, accruing by his fault, to the Government as to the property so intrusted to him.—*Act of Mar. 29, 1894 (28 Stat., 47).*

697. Sec. 2. That said certificate shall set forth the condition of such officer's or agent's property returns, that it includes all charges made up to its date and not previously certified, that he has had a reasonable opportunity to be heard and has not been relieved of responsibility; the effect of such certificate, when received, shall be the same as if the facts therein set forth had been ascertained by the accounting officers of the Treasury Department in accounting.—*Ibid.*

698. Sec. 3. That the manner of making property returns to or in any administrative bureau or department, or of ascertaining liability for property, under existing laws and regulations, shall not be affected by this act, except as provided in section one; but in all cases arising as to such property so intrusted the officer or agent shall have an opportunity to relieve himself from liability.—*Ibid.*

699. Secs. 4 and 5. The heads of the several departments are hereby empowered to make and enforce regulations to carry out the provisions of this act. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.—*Ibid.*

NOTE.—By G. O. No. 22, headquarters of the Army, July 6, 1894, the following regulations are promulgated under this act:

By direction of the Secretary of War, and in conformity with the above act (quoted in the order), the following is published for the information and guidance of all concerned:

(I) All returns of stores or supplies will be rendered as required by regulations or orders, and will be forwarded within twenty days after the expiration of the accounting periods to the chief of the bureau to which the property pertains. Abstracts of purchases will be forwarded with the money accounts.

(II) As soon as possible after the receipt of the return by the proper chief of bureau it will be examined in his office, and the officer making the return will be notified of all errors and irregularities found therein and granted three months to correct them. Suspensions or disallowances will not be made on account of slight informalities which do not affect the validity of the voucher, but the officer's attention may be called to them. Whenever the errors have been corrected, or compensation has been made for deficient articles, and the action of the bureau chief is sustained or modified by the Secretary of War, the return will be regarded as settled and the officer who rendered the return will be notified accordingly.

(III) If the necessary corrections in the return be not made within the prescribed time, the facts will be reported to the Secretary of War. When it has been determined that the money value of the property for which an officer has failed to account shall be refunded to the United States, the facts will be certified to the proper accounting officer of the Treasury by the chief of bureau.

The provisions of the above act and regulations are applicable to all property returns rendered for any period of accountability subsequent to March 31, 1894. Paragraphs 1327, 1328, 1329, 1330, 1332, and section 7, paragraph 1431 A. R., 1889, are hereby revoked.

DISCHARGED OFFICERS.

700. *Sec. 2.* Officers who at any time were accountable or responsible for public property shall be required, before final payment is made to them on discharge from the service, to obtain certificates of nonindebtedness to the United States from only such of the bureaus of the War Department to which the property for which they were accountable or responsible pertains, and the certificate from the Chief of the Division of Bookkeeping and Warrants, Treasury Department, and such certificates, accompanied by the affidavits of officers of nonaccountability or nonresponsibility to other bureaus of the War Department, certified to by the commanding officer of the regiment or independent organization, shall warrant their final payment: *Provided*, That officers who have not been responsible at any time for public property shall be required to make affidavit of that fact, certified to by their commanding officers, which shall be accepted as sufficient evidence to warrant their final payment on their discharge from the service: *Provided further*, That mustering officers are empowered to administer oaths in all matters pertaining to the muster out of volunteers.—*Act of Jan. 12, 1899 (30 Stat., 784).*

ENLISTED MEN.

701. The clothes, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accouterments, so furnished, and which have been the subjects of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or other officer authorized to receive the same. The possession of any such clothes, arms, military outfits, or accouterments by any person not a soldier or officer of the United States shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift.—*Sec. 3748, R. S.*

702. Any soldier who sells or through neglect loses or spoils his horse, arms, clothing, or accouterments shall be punished as a court-martial may adjudge, subject to such limitation as may be prescribed by the President by virtue of the power vested in him.—*Seventeenth article of war. Act of July 27, 1892 (27 Stat., 277).*

703. The clothing, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and the possession of any such property by any person not a soldier or officer of the United States shall be prima-facie evidence of such sale, barter, exchange, pledge, loan, or gift. Such property may be seized and taken from any person, not a soldier or officer of the United States, by any officer, civil or military, of the United States, and shall, thereupon, be delivered to any quartermaster or other officer authorized to receive the same.—*Sec. 1242, R. S.*

THE MILITIA.

704. *Sec. 4.* Whenever any property furnished to any State or Territory, or the District of Columbia, as hereinbefore provided, has been lost or destroyed, or has become unserviceable or unsuitable from use in service, or from any other cause, it shall be examined by a disinterested surveying officer of the organized militia, to be appointed by the governor of the State or Territory, or the commanding general of the National Guard of the District of Columbia, to whom the property has been issued, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record

of survey that the property has been lost or destroyed through unavoidable causes, he is hereby authorized to relieve the State from further accountability therefor; if it shall appear that the loss or destruction of property was due to carelessness or neglect or that its loss could have been avoided by the exercise of reasonable care, the money value thereof shall be charged against the allotment to the States under section sixteen hundred and sixty-one of the Revised Statutes as amended. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing which shall be destroyed, and if sold the proceeds of such sale shall be covered into the Treasury of the United States.—*Act of June 22, 1906 (34 Stat., 450)*.

705. That the Secretary of War be, and he is hereby, authorized to permit volunteer regiments, on being mustered out of the service of the United States, to retain all their regimental colors. Said colors shall be turned over to the State authorities to which said regiments belong, and the regimental quartermaster in making his returns may, in lieu of said colors and in full release therefor, file with the proper official of the War Department a receipt from the quartermaster general of said State that said colors have been delivered to said State authorities.—*Act of Feb. 25, 1899 (30 Stat., 890)*.

OFFENSES AGAINST PUBLIC PROPERTY.

706. Any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or both, at the discretion of the court before which he shall be convicted.—*Act of Mar. 3, 1875 (18 Stat., 479)*.

707. Any officer who, willfully or through neglect, suffers to be lost, spoiled, or damaged any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.—*Fifteenth article of war*.

708. *Sec. 48.* Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.—*Act of Mar. 4, 1909 (35 Stat., 1098)*.

709. *Sec. 46.* Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.—*Act of Mar. 4, 1909 (35 Stat., 1097)*.

710. *Sec. 36.* Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in the preceding section.—*Act of Mar. 4, 1909 (35 Stat., 1096)*.

711. Sec. 38. Whoever shall willfully do, or aid or advise in the doing, of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any disposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be fined not more than ten thousand dollars, or imprisoned not more than five years, or both.—*Act of Mar. 4, 1909 (35 Stat., 1096).*

712. Sec. 286. Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, or attempt to destroy or injure, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than five thousand dollars and imprisoned not more than twenty years.—*Act of Mar. 4, 1909 (35 Stat., 1144).*

SALE OF PUBLIC PROPERTY.

713. The President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged or unsuitable for the public service. Such inspection or survey shall be made by officers designated by the Secretary of War, and the sales shall be made under regulations prescribed by him.—*Sec. 1241, R. S.*

714. Sec. 5. Hereafter the Secretary of the Treasury shall require, and it shall be the duty of the head of each executive department or other Government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the postal service, received by said head of department or other Government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the General Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session.—*Act of June 30, 1906 (34 Stat., 763).*

PUBLIC PUBLICATIONS—DISTRIBUTION OF.

715. Sec. 8. That no money appropriated by this or any other act shall be used after the first day of October, nineteen hundred and twelve, for services in any executive department or other Government establishment at Washington, District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, District of Columbia, or for the purchase of material or supplies to be used in such work; and on and after October first, nineteen hundred and twelve, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October first, nineteen hundred and twelve, each executive department and other Government establishment at Washington, District of Columbia, shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications;

and each head of such executive department and other Government establishment at Washington, District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, District of Columbia, wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the first day of October, nineteen hundred and twelve, and their salaries or compensation shall lapse for the remainder of the fiscal year nineteen hundred and thirteen and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, District of Columbia, in the annual estimates of appropriations: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and documents rooms of the Senate or House of Representatives.—*Act of Aug. 23, 1912 (37 Stat., 414)*.

PUBLIC RECORDS.

DESTRUCTION, FORGERY, ETC., OF.

716. *Sec. 128.* Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or, with intent to conceal, remove, mutilate, obliterate, or steal, shall take or carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars or imprisoned not more than three years, or both.—*Act of Mar. 4, 1909 (35 Stat., 1111)*.

717. *Sec. 129.* Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States.—*Act of Mar. 4, 1909 (35 Stat., 1112)*.

718. *Sec. 28.* Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present

at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guaranty, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both.—*Act of Mar. 4, 1909 (35 Stat., 1094).*

PUBLIC VEHICLES.

RESTRICTIONS AS TO USE OF.

719. No part of any money appropriated by this or any other act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for by this or any other act than the President of the United States, the heads of executive departments, and the Secretary to the President: *Provided*, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July first, nineteen hundred and four.—*Act of Mar. 18, 1904 (33 Stat., 142).*

720. No part of any money appropriated by this or any other act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the executive departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the executive departments or other Government establishments at Washington, District of Columbia, unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used.—*Act of Feb. 3, 1905 (33 Stat., 687).*

PUBLIC WORKS.

CONSTRUCTION OF, ETC.

721. Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed twenty thousand dollars, shall be erected except by special authority of Congress. [It shall be the duty of all officers of the United States having any of the title papers (property purchased, or about to be purchased, for erection of public buildings) in their possession, to furnish them forthwith to the Attorney General. No public money shall be expended until the written opinion of the Attorney General shall be had.]—*Sec. 1136, R. S.*

722. Hereafter the posts at which such quarters [for hospital stewards] shall be constructed shall be designated by the Secretary of War, and such quarters shall be built by contract, after legal advertisement, whenever the same is practicable.—*Act of Feb. 27, 1893 (27 Stat., 484).*

723. Hereafter no expenditures exceeding five hundred dollars shall be made upon any building or military post, or grounds about the same, without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department, and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement.—*Act of Feb. 27, 1893 (27 Stat., 484).*

724. In all contracts for material for any public improvement the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States.—*Act of Mar. 3, 1875 (18 Stat., 455).*

725. No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.—*Sec. 3733, R. S.*

726. Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years.—*Sec. 98, act of Mar. 4, 1909, Criminal Code (35 Stat., 1106).*

727. No part of said sum shall be expended for the construction of quarters for officers of the Army the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of eight thousand dollars; of a colonel or officer above the rank of captain, six thousand dollars; and of an officer of and below the rank of captain, four thousand dollars. Barracks and quarters, Philippine Islands.—*Act of Aug. 24, 1912 (37 Stat., 717).* (See also annual appropriation acts.)

728. Hereafter no military post within the United States shall be established without the express authority of Congress.—*Act of Mar. 2, 1905 (33 Stat., 836).*

729. No money appropriated for military posts shall be expended for the construction of quarters for officers of the Army, or for barracks and quarters for the Artillery, the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of fifteen thousand dollars; of a colonel or an officer above the rank of captain, twelve thousand dollars; and of an officer of and below the rank of captain, nine thousand dollars.—*Act of Mar. 4, 1909 (35 Stat., 1003).*

730. For the construction and enlargement of barracks and quarters for the Coast Artillery and of other buildings in connection with the adopted project for seacoast defenses * * * dollars, including the installation therein of plumbing, and the heating and lighting apparatus, to be expended as in the judgment of the Secretary of War may be necessary: *Provided,* That no part of this sum shall be used for the construction of officers' quarters to cost in excess of the limits established in the sundry civil appropriation act, approved May twenty-seventh, nineteen hundred and eight.—*Act of Mar. 4, 1909 (35 Stat., 1003).*

731. For the current fiscal year and thereafter there may be expended from the appropriation for regular supplies the amounts required for the necessary equipments of the bakehouse to carry on post bakeries; for the necessary furniture, textbooks, paper, and equipments of the post schools; for the tableware and mess furniture for kitchens and mess halls; * * * each and all for use of the enlisted men of the Army.—*Act of June 13, 1890 (26 Stat., 152).* (See also annual appropriation acts.)

732. For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost in the operation of the act approved May thirty-first, nineteen hundred and two, to be expended in the discretion and under the direction

of the Secretary of War, * * * dollars: *Provided*, That not more than forty thousand dollars of the above appropriation shall be expended at any one post or station.—*Act of Mar. 23, 1910 (36 Stat., 255)*.

733. For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1053)*.

734. Whenever the Secretary of War invites proposals for any works, or for any material or labor for works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work.—*Sec. 3717, R. S.*

EIGHT-HOUR LAW FOR LABORERS AND MECHANICS.

735. That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.—*Act of June 19, 1912 (37 Stat., 137)*.

736. *Sec. 2.* That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against

floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this act shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," being chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, as modified by the acts of Congress approved February twenty-seventh, nineteen hundred and six, and June thirtieth, nineteen hundred and six, or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.—*Ibid*.

NOTE.—In this connection see also section 3738, Revised Statutes.

737. Sec. 1. That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now or may hereafter be employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics, or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency: *Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States.—*Act of Mar. 3, 1913 (37 Stat., 726-727)*.

738. Sec. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services

similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.—*Ibid.*

739. Sec. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this act or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.—*Ibid.*

740. Sec. 4. That this act shall become effective and be in force on and after March first, nineteen hundred and thirteen.—*Ibid.*

INJURY SUSTAINED IN THE SERVICE.

741. That when, on and after August first, nineteen hundred and eight, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.—*Act of May 30, 1908 (35 Stat., 556).*

742. Sec. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive in such portions and under such regulations as the Secretary of Commerce and Labor may prescribe, the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any.—*Ibid.*

743. Sec. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident and the injury resulting therefrom to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall

state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each department or independent office shall have power, however, to charge a special official with the duty of making such reports.—*Ibid.*

744. Sec. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.—*Ibid.*

745. Sec. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.—*Ibid.*

746. Sec. 6. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.—*Ibid.*

747. Sec. 7. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be *pro tanto* void.—*Ibid.*

748. Sec. 8. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.—*Ibid.*

RENTAL OF BUILDINGS FOR PUBLIC USE.

749. Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That no increase in the number of buildings new in use, nor in the amounts paid for rents, shall result therefrom.—*Act of Aug. 5, 1882 (22, Stat., 241).*

750. Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building.—*Act of Mar. 3, 1877 (19 Stat., 370).*

751. It shall be the duty of the heads of the several executive departments to submit to Congress each year, in the annual estimates of appropriations, a statement of the number of buildings rented by their respective departments, the purpose for which rented, and the annual rental of each.—*Act of Mar. 3, 1883 (22 Stat., 552).*

752. That hereafter it shall be the duty of the Secretary of the Treasury to cause to be prepared and submitted to Congress each year in the annual Book of Estimates of appropriations, a statement of the buildings rented within the District of Columbia for the use of the Government, the purpose for which rented, and the annual rental of each.—*Act of July 16, 1892 (27 Stat., 199).*

QUARTERMASTER CORPS.

THE QUARTERMASTER GENERAL OF THE ARMY.

753. Each head of a department, chief of a bureau, or other superior officer shall, upon receiving each monthly report of his chief clerk, rendered in pursuance to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report.—*Sec. 175, R. S.*

754. It shall be the duty of the head of each executive department or other Government establishment in the city of Washington to submit to the first regular session of the Fifty-fourth Congress, and annually thereafter, in the Annual Book of Estimates, a statement as to the condition of business in his department or other Government establishment, showing whether any part of the same is in arrears, and if so, in what divisions of the respective bureaus and offices of his department or other Government establishment such arrears exist, the extent thereof, and the reasons therefor, and also a statement of the number and compensation of employees appropriated for in one bureau or office who have been detailed to another bureau or office for a period exceeding one year.—*Act of Mar. 2, 1895 (28 Stat., 808).*

755. That hereafter it shall be the duty of the heads of the several executive departments of the Government to report to Congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency.—*Act of July 11, 1890 (26 Stats., 268).*

756. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.—*Sec. 161, R. S.*

757. Hereafter the title of the Chief of the Quartermaster Corps shall be Quartermaster General of the Army.—*Act of Apr. 27, 1914.*

CREATION OF THE QUARTERMASTER CORPS.

758. Sec. 3. That the office establishments of the Quartermaster General, the Commissary General, and the Paymaster General of the Army are hereby consolidated and shall hereafter constitute a single bureau of the War Department, which shall be known as the Quartermaster Corps, and of which the Chief of the Quartermaster

Corps created by this act shall be the head. The Quartermaster's, Subsistence, and Pay Departments of the Army are hereby consolidated into and shall hereafter be known as the Quartermaster Corps of the Army. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, the provisions of sections twenty-six and twenty-seven of the act of Congress approved February second, nineteen hundred and one, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the Quartermaster Corps in the manner and to the extent to which they now apply to the Quartermaster's, Subsistence, and Pay Departments, and the provision of said sections of said act relative to chiefs of staff corps and departments shall, so far as they are applicable, apply to all offices and officers of the Quartermaster Corps with rank above that of colonel. The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the Quartermaster Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred: *Provided*, That on and after the first day of January, nineteen hundred and seventeen, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That not to exceed six officers holding commissions with the rank of captain in the Quartermaster Corps and who have lost in relative rank through irregularities of promotion and the operation of separate promotion within the three departments hereby consolidated may, in the discretion of the President and subject to examination for promotion as prescribed by law, be advanced to the grade of major in the Quartermaster Corps, and any officer who shall be advanced to said grade under the terms of this proviso shall be temporarily an additional officer of said grade but only until a vacancy shall occur for him on the list of officers of said grade as hereafter limited; and no officer shall be detailed to fill any vacancy on the list of majors of the Quartermaster Corps until after all additional officers authorized by the proviso shall have been absorbed. The non-commissioned officers now known as post quartermaster sergeants and post commissary sergeants shall hereafter be known as quartermaster sergeants; the Army paymasters' clerks shall be known as pay clerks, and each of said noncommissioned officers and pay clerks shall continue to have the pay, allowances, rights, and privileges now allowed him by law: *Provided further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers in that grade shall not exceed twelve; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers of that grade shall not exceed eighteen; and no details to fill vacancies in the grade of major in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by nine, and thereafter the number of officers in said grade shall not exceed forty-eight; and no details to fill vacancies in the grade of captain in the Quartermaster Corps shall be made until after the number of officers of that grade shall be reduced by twenty-nine, and thereafter the number of officers of said grade shall not exceed one hundred and two; and

whenever the separation of a line officer of any grade and arm from the Quartermaster Corps shall create therein a vacancy that under the terms of this proviso can not be filled by detail such separation shall operate to make a permanent reduction of one in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That whenever the Secretary of War shall decide that it is necessary and practicable, regimental, battalion, and squadron quartermasters and commissaries shall be required to perform any duties that junior officers of the Quartermaster Corps may properly be required to perform, and regimental and battalion quartermaster and commissary sergeants shall be required to perform any duties that noncommissioned officers or pay clerks of the Quartermaster Corps may properly be required to perform, but such regimental, battalion, and squadron quartermasters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organization to which they belong: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of the Quartermaster's, Subsistence, or Pay Departments shall hereafter be performed by such officer or officers of the Quartermaster Corps as the Secretary of War may designate for the purpose: *Provided further*, That there shall be a Chief of the Quartermaster Corps, who shall have the rank of major general while so serving, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among the officers of said corps and in accordance with the requirements of section twenty-six of the act of Congress approved February second, nineteen hundred and one, hereinbefore cited: *Provided further*, That when the first vacancy in the grade of brigadier general in the Quartermaster Corps, except a vacancy caused by the expiration of a limited term of appointment, shall hereafter occur that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: *Provided further*, That the Quartermaster Corps shall be subject to the supervision of the Chief of Staff to the extent the departments hereby consolidated into said corps have heretofore been subject to such supervision under the terms of the existing law: *And provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the Chief of the Quartermaster Corps herein provided for immediately upon the passage of this act, and it shall be the duty of the said chief, under the direction of the President and the Secretary of War, to put into effect the provisions of this section not less than sixty days after the passage of this act.—*Act of Aug. 24, 1912 (37 Stat., 591)*.

ENLISTED MEN OF THE QUARTERMASTER CORPS.

759. Sec. 4. That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed four thousand civilian employees of that corps, receiving a monthly compensation of not less than thirty dollars nor more than one hundred and seventy-five dollars each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, civil-service employees, and employees of the classified service, employees of the Army transport service and harbor-boat service, and such other employees as may be required for technical work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps, and all enlisted men of the line of the Army detailed on extra duty in the Quartermaster Corps or as bakers or assistant bakers shall be replaced permanently by not to exceed two thousand enlisted men of said corps; and for the purposes of this act the enlistment in the military service of not to exceed six thousand men, who shall be attached permanently to the Quartermaster Corps and who shall not be counted as a part of the enlisted force provided by law, is hereby

authorized: *Provided*, That the enlisted force of the Quartermaster Corps shall consist of not to exceed fifteen master electricians, six hundred sergeants (first-class), one thousand and five sergeants, six hundred and fifty corporals, two thousand and five hundred privates (first-class), one thousand one hundred and ninety privates, and forty-five cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe: *Provided further*, That the Secretary of War may fix the limits of age within which civilian employees who are actually employed by the Government when this act takes effect and who are to be replaced by enlisted men under the terms of this act may enlist in the Quartermaster Corps: *Provided further*, That nothing in this section shall be held or construed so as to prevent the employment of the class of civilian employees excepted from the provisions of this act or the continued employment of civilians included in the act until such latter employees have been replaced by enlisted men of the Quartermaster Corps.—*Act of Aug. 24, 1912 (37 Stat., 593)*.

760. That the Secretary of War is authorized to appoint such number of quartermaster sergeants, Quartermaster Corps, not to exceed the number provided for by law, as he may deem necessary for the interests of the service, said quartermaster sergeants to be selected from the most competent noncommissioned officers of the Army, who shall have served therein at least five years, three years of such service having been rendered as noncommissioned officers, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to the proper officers of the Army in charge of public property.—*Act of Apr. 27, 1914*.

761. That the enlisted force of the Quartermaster Corps shall consist of not to exceed fifteen master electricians, six hundred sergeants (first class), nine hundred and seventy-five sergeants, six hundred and twenty-five corporals, two thousand five hundred privates (first class), one thousand one hundred and ninety privates, and ninety-five cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe.—*Act of Apr. 27, 1914*.

TELEPHONE AND TELEGRAPH SERVICE.

762. *Sec. 7.* That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.—*Act of Aug. 23, 1912 (37 Stat., 414)*.

763. Telegrams between the several departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.—*Sec. 5266, R. S.*

TEMPORARY VACANCIES—CHIEFS OF BUREAUS, ATTORNEY-GENERAL, ETC.

764. In case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, whose appointment is not vested in the head of the department, the assistant or deputy of such chief or of such officer, or if there be none, then the

chief clerk of such bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.—*Sec. 178, R. S.*

765. The President may authorize and direct the Commanding General of the Army or the chief of any military bureau of the War Department to perform the duties of the Secretary of War under the provisions of section one hundred and seventy-nine of the Revised Statutes, and section twelve hundred and twenty-two of the Revised Statutes shall not be held or taken to apply to the officer so designated by reason of his temporarily performing such duties.—*Act of Aug. 5, 1882 (22 Stat., 238).*

766. In any of the cases mentioned in the two preceding sections, except the death, resignation, absence, or sickness of the Attorney General, the President may, in his discretion, authorize and direct the head of any other department or any other officer in either department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed or the sickness or absence of the incumbent shall cease.—*Sec. 179, R. S.*

767. A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than thirty days.—*Sec. 180, R. S., as amended by act of Feb. 6, 1891 (26 Stat., 735).*

TRANSPORTATION BY LAND.

768. The transportation of troops, munitions of war, equipments, military property, and stores, throughout the United States, shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint.—*Sec. 220, R. S.*

769. The Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section forty-seven hundred and eighty-seven, transportation to and from their homes and the place where they may be required to go to obtain artificial limbs provided for them under authority of law.

The necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs.—*Sec. 4791, R. S., as amended by act of Aug. 15, 1876 (19 Stat., 203).*

770. Hereafter the Quartermaster General and his officers, under his instructions wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for the civil or naval departments of the Government, in Washington or elsewhere, under the regulations governing the transportation of Army supplies, the amount paid for such transportation to be refunded or paid by the bureau to which such property or stores pertain.—*Act of July 5, 1885 (23 Stat., 111).*

771. In time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and materials of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic.—*Act of June 29, 1906 (34 Stat., 587).*

772. Hereafter transportation may be furnished for the owned horses of an officer not exceeding the number authorized by law, from point of purchase to his station, when he would have been entitled to and did not have his authorized number of

owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station.—*Act of Mar. 23, 1910 (36 Stat., 255)*.

773. For transportation of the Army and its supplies, including transportation of troops when moving either by land or water, and of their baggage, including the cost of packing and crating: *Provided*, That hereafter baggage in excess of regulation change of station allowances may be shipped with such allowances, and reimbursement collected for transportation charges on such excess.—*Act of Mar. 23, 1910 (36 Stat., 255)*.

774. Hereafter in the performance of their official and military duties officers of the Army are authorized, under such regulations as may be established by the Secretary of War, to use means of transportation herein provided for.—*Act of Mar. 3, 1911 (36 Stat., 1051)*.

775. Hereafter private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading with authorized mounts, and reimbursement collected for transportation charges on such excess mounts.—*Act of Apr. 27, 1914*.

776. Hereafter when an enlisted man is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of enlistment, or, in lieu of such transportation and subsistence, he shall, if he so elects, receive two cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment.—*Act of Aug. 24, 1912 (37 Stat., 576)*.

777. For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge; of persons on their discharge from the United States military prison or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such prison or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and employees. * * *.—*Act of Mar. 2, 1913 (37 Stat., 715)*.

778. For the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should

be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.—*Act of Aug. 24, 1912 (37 Stat., 582).*

779. Sec. 1. That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours.—*Act of June 29, 1906 (34 Stat., 607).*

780. Sec. 2. The animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section one of this act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires.—*Ibid.*

781. *Sec. 3.* That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply.—*Ibid.*

TRANSPORTATION BY WATER.

USE OF TRANSPORTS, ETC.

782. *Sec. 4.* That any steamships so registered under the provisions of this act may be taken and used by the United States as cruisers or transports upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value at the time of the taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, who, in case of disagreement, shall select a third, the award of any two of the three so chosen to be final and conclusive.—*Act of May 10, 1892 (27 Stat., 28).*

783. No tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water craft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers.—*Act of July 5, 1884 (23 Stat., 147).*

784. No part of this appropriation shall be applied to the payment of the expenses of using transports in any other Government work than the transportation of the Army, its supplies and employees; and when, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the officers, enlisted men, employees, and supplies of the Navy, the Marine Corps, and for members and employees of the Philippine and Hawaiian Governments, officers of the War Department, Members of Congress, other officers of the Government while traveling on official business, and without expense to the United States, for the families of those persons herein authorized to be transported, and when accommodations are available, transportation may be provided for general passengers to the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.—*Act of Mar. 2, 1907 (34 Stat., 1170).*

785. The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War.—*Sec. 1437, R. S.*

786. Hereafter in the performance of their official and military duties officers of the Army are authorized, under such regulations as may be established by the Secretary of War, to use means of transportation herein provided for.—*Act of Mar. 3, 1911 (36 Stat., 1051).*

787. Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy, unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.—*Act of Apr. 23, 1904 (33 Stat., 518)*.

788. Hereafter when, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be furnished the officers, employees, and enlisted men of the Revenue-Cutter Service, and their families, without expense to the United States, and also secretaries and supplies of the Army and Navy Departments of the Young Men's Christian Association: *Provided further*, That hereafter when there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.—*Act of Mar. 3, 1911 (36 Stat., 1051)*.

789. Hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained.—*Act of Mar. 2, 1905 (33 Stat., 837)*.

790. No action looking to the discontinuance of the transport service shall be taken without further action of Congress.—*Act of Mar. 2, 1903 (32 Stat., 959)*.

791. The provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaged in trade between the Philippine Islands and the United States.—*Act of Apr. 29, 1908 (35 Stat., 70)*.

USELESS PAPERS.

DISPOSITION OF.

792. That whenever there shall be in any one of the executive departments of the Government an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such department and have no permanent value or historical interest, it shall be the duty of the head of such department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers. And upon the submission of such report, it shall be the duty of the presiding officer of the Senate to appoint two Senators, and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation.

And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the department to sell as waste paper, or otherwise dispose of, such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress.—*Act of Feb. 16, 1889 (25 Stat., 672)*.

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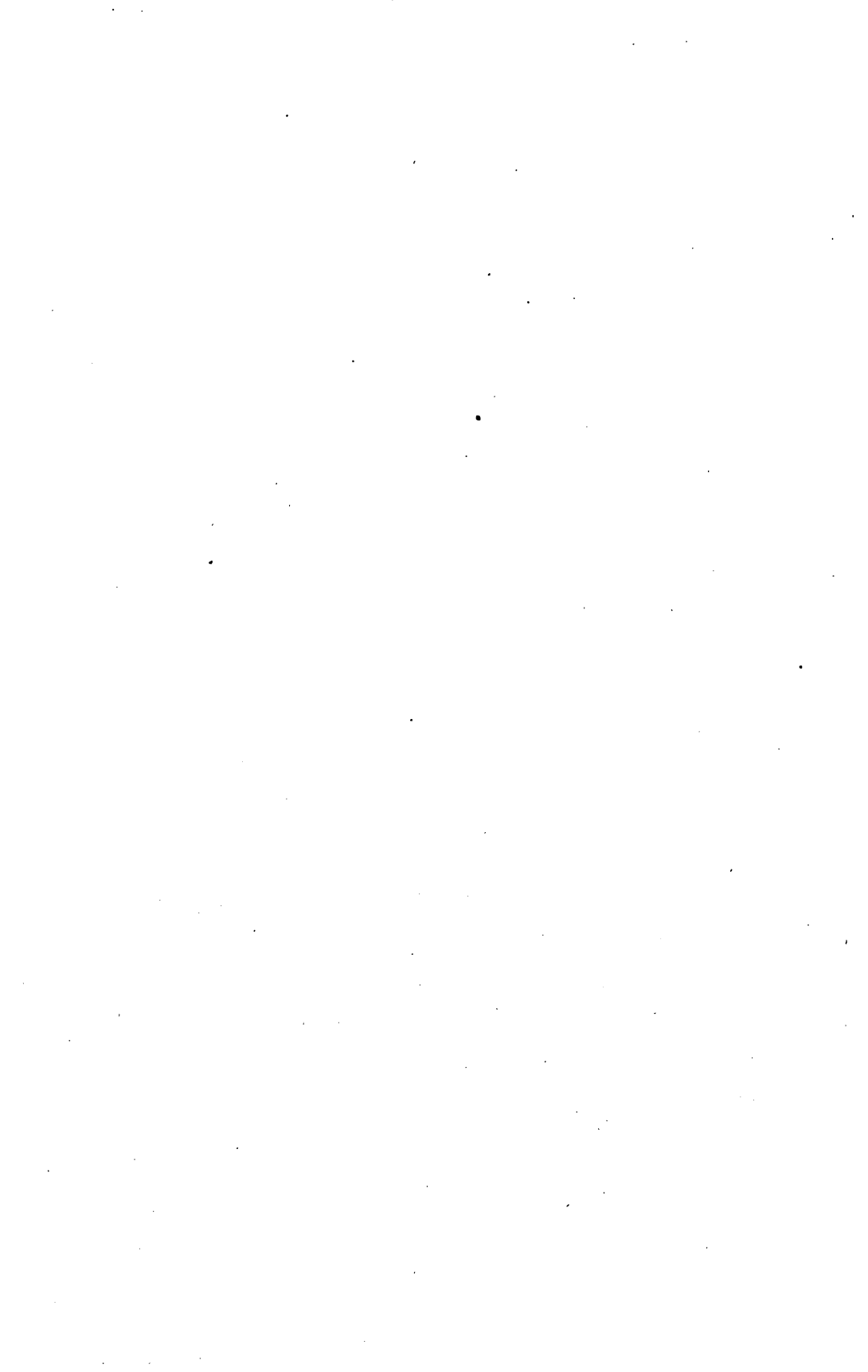
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